

EXTENSIONS OF REMARKS

TRIBUTE TO HON. TOM
RAILSBACK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. RODINO. Mr. Speaker, TOM RAILSBACK of Illinois is leaving this body after 16 years of exemplary service to his Nation, his district, and his State.

Throughout our years on the Judiciary Committee he and I have forged a close working relationship. He has been an artful legislator. A thoughtful and fair-minded man, his work has been most valuable in helping the committee fashion acceptable compromises among competing interests on thorny issues.

There has been no lack of these difficult issues in Tom's years on the committee. As the ranking minority member of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, he has helped guide the committee through many prickly legislative thickets in which emotions on the issues run high.

Perhaps, I know Tom best through his service on the Subcommittee on Monopolies and Commercial Law. His probing mind always helped us cut through to the heart of the issues, to sort out the validity of the various interests, and to reach just and equitable solutions.

I think the Nation's citizens will remember Tom best for his service during the agony of the impeachment hearings. All of us who took part in those hearings and the millions who viewed the proceedings on television will not soon forget his own special torment as the facts unfolded, the record mounted, and the committee moved toward historic decision. At no time has TOM RAILSBACK's courage and dedication to principle that have marked his career been more evident.

Now, TOM RAILSBACK is about to begin a new career with the Motion Picture Association of America. We wish him success in this endeavor, knowing full well that the knowledge and expertise and all the personal qualities that he has shown during his political career will guarantee that success.

KGB LEADERSHIP FOR THE
SOVIET UNION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. McDONALD. Mr. Speaker, the swift and smooth transition of leadership in the Soviet Union on November 12 from Leonid I. Brezhnev to Chief of KGB, Yuri V. Andropov, should not have been a surprise to anyone who followed the events in the Soviet Union in 1982. This was a year of great changes in personnel and in policies in the country which otherwise is known for its slow, internal, political process. Each new leadership in the past has stressed at the transition time the theme of continuity of Soviet domestic and foreign policies and principle of collective leadership.

The transition of leadership, for all practical purposes, started on January 25, 1982, when Mikhail Andreyevich Suslov died rather suddenly while known to be in poor health for quite some time. Considered to be second in significance to General Secretary Leonid I. Brezhnev as member of both top leadership bodies, the Politburo and the Secretariat of the Central Committee of the CPSU, Suslov has been credited for the ideological supervision and formulation of Soviet foreign policies. His departure meant that the new Soviet initiatives on the international arena should be expected. And, notwithstanding the fact that Brezhnev and his entourage were still officiating in the Kremlin, new leadership came to be felt in Soviet policies abroad and at home.

A large delegation, headed by head of the China Department of the U.S.S.R. Ministry of Foreign Affairs, M. Kapitsa, left for Peking several weeks after Suslov's death. This first Soviet delegation of such size and significance to visit China since 1963, first met a rather reserved reception in Peking. However, 2 months later it was followed by higher-level Soviet delegation headed by Deputy Minister of Foreign Affairs, L. Ilychev. This time, the discussion touched practical measures of cooperation in the field of cultural and technical exchange and future expansion of trade relations. Several visits of technical teams and sport groups were exchanged between China and the Soviet Union since that time. Minister Ilychev came for a second visit in October.

On April 22, Yuri V. Andropov, Chairman of the Committee of State

Security (KGB) and member of the Politburo of CPSU, made a speech in which he described at length the creative nature of Marxism-Leninism with an obvious reference to flexibility and possible changes in Soviet foreign policies after Suslov. It is very unusual for the head of KGB to make public speeches and pronouncement of general policy nature. Andropov also referred at that time to the strong defensive posture that the Soviet Union must maintain in view of the aggressive policies of the capitalist countries. Domestically, it was expressed by harsher persecution of political dissidents and religious groups. Some arrests took place in Moscow and Academician Sakharov was roughed up with a manuscript of his new book taken away from him.

On May 20, 1982, Yuriy Andropov moved from his position as Chairman of the KGB back to the Secretariat of the Central Committee of CPSU, the job he had for several years prior to becoming head of KGB in 1967. It was said that at this second time as Party Secretary, Andropov took over the responsibilities of deceased M. A. Suslov. In this new capacity, he automatically became member of the Defense Committee, the highest body overseeing the armed forces of the country.

It was the time of great anxieties for the Brezhnev family. Brezhnev's brother-in-law, KGB General Semyon K. Tsvigun, died suddenly and it was rumored in Moscow that he had committed suicide. Brezhnev's daughter Galina was under suspicion of having been involved in a corruption scandal. Also, Brezhnev's close friend and political commander of Moscow Military District, General V. Grushevoy, suddenly died of a heart attack. Brezhnev himself was very sick and absent for weeks from Moscow and some malicious gossip declared him even dead. He was obviously very weak since at the funeral of General Grushevoy, he openly and uncontrollably cried.

In June, a large delegation of Yugoslavian high military and Communist Party officials, headed by Army Commander and Politburo member, General Nicola Ljubicic, came to the Soviet Union for a prolonged 6-week tour of important military installations and for mutual interest conferences. This was the first such delegation from Yugoslavia since 1956.

It is clear now that these new initiatives attempting to consolidate the Communist camp and to forge a united bloc—including China and Yugoslavia—have been conducted by Andropov. He succeeded, throughout

the 10 months between the deaths of Suslov and Brezhnev, in creating new trends and a strong front of supporters in the Central Committee of CPSU to help him become new General Secretary of CPSU.

It is for the first time in the history of the Soviet Union that the head of secret police and intelligence organization became the head of the ruling Communist Party. Andropov is a tough, shrewd, smart, scheming manipulator who for 15 of the 18-year Brezhnev administration as General Secretary of the party, has been molding the KGB machinery according to his own pattern and methodology of operation. He was in charge of the computerized dossiers of each and every Soviet citizens longer than any other KGB boss, including its organizer, Felix Dzerzhinskiy. Andropov created a newly sophisticated, modern KGB machinery run by efficient, smartly dressed operators known in Moscow as Andropovtsy, a far cry from the crude and primitive KGBeshniks of the Lavrentiy Beriia times. Andropov forced Soviet medicine, including its vulnerable branch of psychiatry, into the role of a tool of the invincible KGB. He extended the KGB system of administration into Poland where in reality, not the military under General Wojciech Jaruzelski but the secret police and detachments of ZOMO under the Minister of Interior, General Czeslaw Kiszczak, are exercising actual controlling power.

Andropov started his big-time career 31 years ago in 1951 when he was transferred from Petrozavodsk in the Karelo-Finnish Republic to Moscow to the department of the Central Committee dealing with security affairs. He was recommended by Otto Kuusinen, Soviet Finn, and leader of that Soviet territory since 1940. Andropov spent 11 years in that area and impressed Kuusinen by his ability to speak Finnish and by his adroitness and skill of dealing with dissident Finnish nationalists during and especially after the war. With very little formal education—he graduated only from the Technical School of River Transport in Rybinsk on the Volga, a school academically about the high school level—Andropov displayed during his life a great organizational ability, strong instinct for survival in the jungles of Soviet Communist Party institutions, and an unusual talent for languages. He augmented his limited formal education by attending university courses during his post World War II stay in Petrozavodsk (1945-51) and by additional studies at the Higher Party School of the Central Committee in Moscow. But he never graduated from either of these schools. The transfer to Moscow in 1951 was the first big breakthrough in Andropov's career. His knowledge of

Finnish—which has common roots with Hungarian—served him very well in his second big advancement when he was assigned to a new diplomatic security position in Budapest, Hungary in 1953 and, when he became Soviet Ambassador to Hungary a year later in 1954. He impressed the diplomatic community of the Hungarian capital as one of the very few foreign ambassadors who spoke Hungarian.

Andropov's skill in diplomatic maneuver, however, was surpassed by his ability to plot in the KGB style. In November, 1956, he lured General Pal Maleter—military leader of the uprising—and Prime Minister Imre Nagy to conferences with the Soviet command by promises of negotiation. Andropov was standing in the background, very suave and smiling, while one of his predecessors at the KGB, General Ivan Serov, supervised the arrest of General Maleter and his party. Both Maleter and Nagy were executed sometime later.

There are no ambiguities in Andropov's record. He always knew how to promote himself through the rough Soviet Party politics. In 1937-38, he took advantage of the Stalin purges in the Communist Youth Organization and became a secretary and a year later first secretary of Yaroslavl Communist Youth Offices.

After his performance in Hungary he came back to Moscow with the new taste for sophistication. He switched from vodka to scotch whiskey and started his study of English as an essential language for a Soviet leader dealing with intelligence and security affairs.

After 5 years as head of the Central Committee department dealing with affairs of the Communist bloc countries, Andropov joined the top policy body, the Secretariat of the Central Committee in 1962. As Secretary of the Central Committee he dealt directly and indirectly with the problems of internal and national security and consequently in 1967, he became chairman of the KGB, the organization that combines the functions of the CIA, FBI and at least a dozen other agencies in the United States—Secret Service, National Guard, National Security Agency, and others. He remained in charge of this huge network with not less than half a million employees, longer than any other person in the history of the U.S.S.R.

The KGB, during the 15 years of Andropov's supervision, changed from rather simplistic service of the Stalin period into the sophisticated and expanded body of professional operators intimidating dissident movements at home, skillful intelligence experts and terrorist leaders abroad and scientifically based analysts writing reports for the policymakers in the offices of the Central Committee.

During the Andropov time, some of the previously abandoned slave labor camps were filled again, the political dissident movement completely crushed and many religious leaders either imprisoned or confined to psychiatric clinics. The foreign intelligence service has been elevated by Andropov to its new levels of sophistication and professionalism.

In May 1982, Andropov selected a professional security officer, General Vitaliy V. Fedorchuk to succeed him as Chairman of the KGB. General Fedorchuk spent all his adult life as a KGB officer in the Ukraine and occupied Austria and Germany after the war. He became Chairman of the KGB Office for the Ukrainian Republic in 1967.

The only way to judge Andropov's future performance as the new leader of the Soviet Union is to evaluate his previous achievements and the way he succeeded to power in 1982.

First of all, it is due to Andropov's work that there is virtually no dissident movement in the Soviet Union today. The strict control over the political behavior of the Soviet population has been ruthlessly implemented since 1967 and any small degree of political freedom that may have existed for a while in the late fifties and early sixties has been rooted out by all means, including psychiatric wards, increased forced labor confinements and plain prison terms.

The internal party discipline has also been considerably tightened during Andropov's administration of the KGB. In several swift shifts and short trials, some party officials were replaced by others and some jailed in consequence of the KGB investigations.

The image of the KGB as a "sword and shield" of the Soviet Union has been maintained very effectively under Yuriy Andropov. His heavy hand has been felt throughout the system and it helped him and his cohorts, whoever they are when the transition time came in 1982.

Brezhnev's group, headed by his old friends and long-time associates, both members of the Politburo and the Secretariat, A. P. Kirilenko and K. U. Chernenko, did not amount to much in a confrontation with Andropov. There was a rumor that Kirilenko, who was once slated to succeed Brezhnev, was very sick or that he was linked to the defection to the West of his son. He was dropped from the Politburo list even before Brezhnev's death and was prevented from signing Brezhnev's obituary. He was present in the crowd on the first day of Brezhnev's lying-in-state and was seen crying when expressing sympathies to Brezhnev's wife, Victoria. Konstantin Chernenko was given a dubious privilege of making a speech nominating

Yuriy Andropov for election to the post of General Secretary. Speaking probably more about himself than the rest of the Politburo and other party members or the Soviet citizens at large, he said, "All of us are obviously aware that it is extremely difficult to make up for the loss that was inflicted on us by the death of Leonid Brezhnev". Continuing in a clear appeal to Andropov he said, "It is now twice, three times as important to conduct the affairs in the party in a collective manner." Knowing what happened already to Kirilenko, he added, "All members of the Politburo believe that Yuriy Vladimirovich (Andropov) thoroughly assimilated Brezhnev's attitude to cadres * * *". It may have been the last important speech by Chernenko.

Judging on the basis of his past performance and of the very swift transition, Andropov will pursue the internal administration along even more centralized and tightly-controlled lines than was the case heretofore. When essential members of the Central Committee—about 50 or 60 persons—were summoned for a conference several hours after Brezhnev's death, they were prepared to give their approval for Andropov's nomination as the new General Secretary. He assured himself the support of the two key members of the Politburo in advance—First Secretary of Moscow, V. V. Grishin and First Secretary of Ukraine, V. V. Shcherbitskiy. In the bargain, the protégé of Shcherbitskiy, Vitaliy Fedorchuk, was elevated to replace Andropov as Chairman of the KGB.

The built-in inefficiency of the economic system of the Soviet Union will not bother Andropov as much as some of the Western observers would like it to be the case. The Soviet economy was always in trouble since 1917, and at times in much worse shape than it is now. Naturally, being larger and more complex at present than ever before, it has bigger losses and problems, but it serves well in funding the security apparatus, responding to the military-industry requirements and covering the personal needs of the elite. These three considerations rank in Andropov's mind high above the needs of the population in general.

In foreign affairs Andropov has already displayed great emphasis on improving Soviet relationships with the Communist-bloc countries and primarily with China and Yugoslavia. The effective penetration of the non-Communist countries by the efficient KGB intelligence network and expanded terrorist activities throughout the world seems to have convinced Andropov of the vulnerabilities of the democratic societies.

The recently discovered case of the Soviet operation within British intelligence, where Geoffrey Prime was transmitting to the Soviets highly sensitive information since 1968, is just

one in a series of deep intrusions by Soviet operatives into the British intelligence establishment. The master-spy, Kim Philby, was a top man in British intelligence for over 20 years before he escaped to Moscow where he is now a KGB general and a top adviser to Andropov's network. George Blake, an associate of Philby in British intelligence, was sentenced to a 42-year term for his Soviet espionage activities but was assisted in a mysterious escape from the maximum-security prison in 1966. Guy Burgess and Donald MacLean, defected to the Soviet Union after many years of service in British intelligence, and Antony Blunt was accidentally unmasked in 1979 after many years of service in a very sensitive position.

During the last two decades, Andropov introduced a new method of intelligence infiltration, misinformation, and confusion. His select agents defect to the West, primarily to the United States but also to Great Britain and West Germany. Their purpose is to misinform and misguide the intelligence and political decision circles in the West, and thus, assist the Soviet policies. The number of these known and unknown double agents is great. During 1982, one of their assignments has been to picture Andropov as a suave, debonair, amiable, and sophisticated person with a liking for the Western way of life, music, and culture.

Andropov seems to be in a hurry to make changes in personnel policies. In the postfuneral session of the Central Committee, Gaydar A. Aliyev, who served in the KGB since 1943 when he was 20 years old and became First Secretary of Azerbaijan Republic in the cleanup of 1970, was elevated to full membership of the Politburo while Andrey Kirilenko was officially relieved of his post. Nikolay Ryzhkov, the defense industry manager who in 1979 was transferred from the Urals to the State Planning Commission, became new Secretary of the Central Committee, the body of 10 people depleted by the departure of Brezhnev, Suslov, and Kirilenko.

The changes in domestic and foreign policies, outlined in general terms by Andropov in his speech to the Central Committee, will obviously require more shifts in personnel in the near future.●

HON. BOB DORNAN

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1982

● Mr. CAMPBELL. Mr. Speaker, it is with deep regret that I bid farewell to my friend and distinguished colleague, BOB DORNAN.

Representing a district with radically divergent interests, Bob has established himself as an able and superbly effective legislator. His abilities as a rousing orator and a champion of conservative ideals have won him the respect of all of us who have worked with Bob. His compassion and social awareness have won the respect of those he has represented for the past 6 years. As the originator of the POW bracelet, Bob revealed his concern for those heroic soldiers who had been captured in a war which Bob felt was a necessary evil. He recognized the need for conservative policies without losing touch with the unfortunate of the world.

Thus, it is with a deep sense of loss that I address this body. I will miss Bob as a fellow legislator and as a friend. I wish him the very best in the future.●

WHAT VETS THINK ABOUT THE WALL ON THE MALL

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. DANNEMEYER. Mr. Speaker, Veterans Day, 1982, and the dedication ceremonies on that day for the Vietnam Veterans Memorial, are just barely 1 month behind us. Yet, there are some important details about the memorial that remain to be finished. As part of a compromise reached between various parties with divergent points of view on how best to remember the Vietnam veteran, it was agreed that a flag and a sculpture would be added to the original design for a wall containing the names of those who died in Vietnam.

I am advised that the Fine Arts Commission, which must approve matters pertaining to monuments and memorials on the Mall, will meet later this week to review several options for implementing the additions agreed to in the compromise. With that thought in mind, I believe it would be helpful to circulate the results of a survey of veterans on the three major options for the flag and the statue. Accordingly, I am including in the *RECORD* at the end of these remarks an article by Milt Copulos and the results of the survey he supervised. I trust that the Fine Arts Commission will take them into serious consideration.

RESPONSES TO QUESTIONNAIRE ON FLAG PLACEMENT, INSCRIPTION, AND THE MEMORIAL DESIGN BY ITSELF

Category	Vietnam vet	Family member	Viet era vet	Other vet	Non-vet	Family and Viet vet	Total
Number.....	530	96	89	33	140	626	888
Should the flag be prominently displayed as an integral part of the memorial?							
Yes.....	94.2	84.4	92.1	87.9	74.3	92.7	89.5
No.....	5.8	15.6	6.7	12.1	24.3	7.0	10.0
No opin.....	.3	0	1.2	0	1.4	.3	2.8
Should there be an inscription making reference to the principles for which Viet vets fought?							
Yes.....	84.7	81.2	71.9	72.7	56.4	83.5	78.2
Which of the following best describes your impression of the wall design by itself?							
Str. fav.....	27.4	34.4	34.3	42.4	57.1	28.4	34.1
Some fav.....	6.2	13.5	19.1	21.2	16.4	7.3	10.5
Some unfav.....	8.3	6.3	9.0	15.2	7.1	8.0	8.2
Str. Unfav.....	54.3	44.8	34.8	12.1	12.9	52.9	43.3
No opin.....	3.8	1.0	2.3	9.1	6.5	3.4	3.9
Please rank the following suggested locations for the flag and statue according to your preference.							
A.....	74.1	78.1	69.7	60.6	47.1	74.6	69.3
B.....	7.5	6.3	4.5	12.1	7.9	7.4	7.3
C.....	12.8	11.5	11.2	27.3	33.6	12.6	16.3
No opin/other.....	5.7	4.1	14.6	0	11.4	5.4	7.1

¹ Option A represented the proposal made by the Vietnam Veteran's Memorial Fund to the Fine Arts Commission in September, Option B represented placing the flag at one side, and the statue within the tree line, and Option C represented the placement suggested by the Fine Arts Commission with both the flag and statue within the tree line. Letters were used so as not to bias the respondents.

WHAT VETERANS THINK ABOUT THE WALL ON THE MALL

(By Milt Copulos)

The memories came flooding back when I spotted the familiar 25th Infantry Division patch on the faded fatigue jacket. "Hey Wolfhound!" I shouted. You could almost see the pride welling up within him as he turned to me, smiling. I understood how he felt. I too had worn the emblem of the Tropic Lightning Division, although with a different unit. But we were all there that day: the Wolfhounds, the 3/4 Cav, the Fifth Mech. All the units I had once known so well.

The place names came back in a rush too: Trang Bang, Go Da Ha, the Boi Loi Woods, Black Widow Mountain, and Katum—especially for me Katum. So many years had passed since these names were a daily part of our lexicon, years in which we seldom thought of them except sometimes, in the depth of night when they came unbidden, unwanted. Still, they were places burned into our souls. Places where too many of our comrades had fallen, where we had lost our innocence.

We were all so young then. But, like the youth of countless generations, we were called to do a job, a job we could be proud of: to help defend freedom. We did the best we could—the best anyone could under the circumstances, but for a decade or more it seemed as though no one else understood. Finally, that day on the mall, despite the mud, the wind, the cold, our day had come. Our service, the source of our pride was at long last being recognized.

I walked over to the fellow with the patch on his fatigue jacket, and the fatigue cap that had "Wolfhounds" proudly emblazoned across the peak, and said simply, "Welcome home." There was a hushed sort of reverence in his voice when he replied, "Yeah, we are home. Aren't we?"

Still, reunion wasn't my purpose that day. I was there to finish a job begun a year earlier in a series of marathon meetings held in a Senate office building. I, along with other Vietnam veterans had come together to

settle our differences over the memorial that was to be built in honor of our service. The divisions among us had been so deep at the outset, that the right appeared beyond repair. But, in those meetings, we drew on the reserves of maturity and perseverance that saw us through the war, and reached a compromise. More important, we agreed to band together and see it through to fruition.

The compromise really didn't ask much: merely the addition of a flag, and a 7½ foot high statue to the memorial site along with an inscription on the flagpole's base referring to the principles for which we fought. Small changes, but important ones, because they gave context and meaning to the nearing 58,000 names inscribed on Maya Lin's wall.

A panel, of which I was a member, was selected to help choose a suitable sculpture, and determine the placement of the new elements; and it seemed as though the controversy was at least put to rest. Events, however, sometimes take on a life of their own, and this one did with a vengeance.

A small, but vocal segment of the arts community cried "foul". Raising specious arguments about the "sanctity of design competitions", and making ad hominem attacks on those asking for the changes, they managed to totally lose sight of the purpose for which the memorial was being built. Throughout the summer, they pressed a vigorous lobbying campaign to destroy the compromise so painfully achieved, and impose their will on the approving agencies.

As both sides rallied support, it seemed as though every possible opinion was being sought, except the one that counted: the opinion of those to whom the memorial was dedicated. It was for this reason that I found myself on the mall that day.

With the cooperation of student volunteers from four local universities, and the assistance of prominent experts in survey research, I had organized a poll to determine the attitudes of those attending the dedication of the Vietnam Veteran's Memorial. There were a number of reasons this particular time was selected.

First, it guaranteed that some semblance of a national cross-section would be present—veterans from every state were there. Secondly, everyone being polled would have had the opportunity to see the actual memorial, not just some model or artist's conception, and would be able to clearly understand where the proposed locations for the new elements were. Most important, the poll would be taken in an atmosphere which placed the original design in the most favorable light possible—while a steady procession of speakers praised it as the long overdue recognition of the veteran's service.

The reason we felt it necessary to go to such lengths to insure the original design every opportunity to be viewed in a favorable light was that many of us, myself included, had strongly negative feelings toward it. We saw it as nihilistic—more a memorial to the negative image which had evolved around the war, than a tribute to the honorable service of the 2.7 million Americans who fought it. Although we had been contacted by countless Vietnam veterans who shared our view, the nagging doubt that we might be wrong left us honor-bound to seek the truth, and make every effort to insulate the poll against the danger that our own bias would color the results. Well, the results are in, and they are, to say the least, compelling.

888 people took the time to answer our survey—far more than is required for statis-

tical validity. Included among them were 530 Vietnam Veterans, and 96 family members of Vietnam veterans. They were asked four basic questions: (1) Should the flag be prominently displayed as an integral part of the memorial?, (2) Should there be an inscription making reference to the principles for which the veterans fought?, (3) what they thought about the wall design by itself, and (4) which of three proposed locations they preferred for location of the new elements.

Without exception, every category polled indicated that the flag should be prominently displayed as an integral part of the memorial. The favorable responses ranged from 94.2 percent from Vietnam veterans to 74.3 percent from non-veterans. Overall, 89.5 percent of the total respondents answered yes to this question. With regard to including the principles for which the veterans fought, again a wide majority said yes, with Vietnam veterans leading the favorable responses at 84.7 percent, and non-veterans at the lower end with 56.4 percent. Overall, 78.2 percent agreed.

The question regarding attitudes towards the wall design by itself showed no such unanimity, however. Interestingly, there appeared to be little middle ground in the emotions the stark black walls elicited. 54.3 percent of the Vietnam Veterans polled said their impression of the wall was strongly unfavorable, and only 27.4 percent indicated their impression was strongly favorable. Only 8.3 percent of the veterans rated the wall somewhat unfavorable, and 6.2 percent somewhat favorable. Among non-veterans, though, the margin was reversed, with 73.5 percent giving the wall either a strongly favorable or somewhat favorable rating, and only 20 percent rating it unfavorable. Overall, however, the wall received an unfavorable rating from those polled.

On the final, and most important question, that of placement, unanimity once again surfaced. Here, the option labeled "A", which would place the flagpole behind the Apex of the walls, and the statue about 170 feet in front of it was selected as the first choice by every single category of respondent, and in every category save one—non-veterans—by a margin of more than two to one. Option "A" was actually the placement suggested by the sculpture selection panel, and endorsed before the Fine Arts Commission last September by every major veterans group, the Memorial Fund itself, the Gold Star Mothers, and even the Memorial Fund's architect. Overall 69.3 percent of the sample selected option "A", as compared to option "C", which, in fact was the placement demanded by the Fine Arts Commission, which was the first choice of only 16.3 percent of the total sample, and a mere 12.8 percent of Vietnam veterans.

What is evident from the survey results is that the group for whom the memorial was built—Vietnam veterans—has a very clear picture of what they want done, and that picture is sharply at odds with what a small segment of the arts community would foist upon them. To allow this to happen would be a travesty, and yet, unless the President acts to end the deadlock over placement, that travesty may occur.

As I was contemplating the prospect, and the poll results, images of two men came into my mind. One was an architect who had argued during the compromise meetings that the wall design "needed no corny patriotic claptrap like a flag or a statue to adorn it." The other was the Wolfhound, still proud of his unit fifteen years after

leaving Vietnam, who stood next to me singing the national anthem during the dedication ceremony, his eyes misting over as the emotions of the moment overcame him. The architect may not believe a flag belongs at the memorial, but the Wolfhound does, and so do I. ●

REVIEWING THE FEDERAL ROLE IN DOMESTIC VIOLENCE PROGRAMS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. STARK. Mr. Speaker, this past week we have spent a great deal of thought, time, and energy on the question of how best to prevent nuclear violence. Unquestionably this was a paramount issue we had to deal with. However, there is another kind of violence much closer to home taking place daily in this country which we also need to address, and that is domestic violence.

During the last administration Congress realized the depth of the problem of spousal abuse and funded 13 separate programs that in some way provided assistance to local shelters and related projects. Even then the lack of funding and space forced battered women's programs around the country to turn away three times the number of people they actually served.

Today the problem of domestic violence has been greatly exacerbated by this administration's insensitivity. Battered women and their families have been placed in double jeopardy—first, by the current administration's attack on programs offering immediate escape from violence in the home and then by slashing resources individuals could use to build new lives. Such cuts have sentenced battered women and their children to continued abuse.

We can see the devastating effects of the budget cuts on our ability to deal with domestic violence by reviewing what has happened to the 13 programs funded in 1980. Five of them have been totally abolished and no longer exist in any form. Those eliminated were: First, the Office of Domestic Violence, second, the family violence program, third, the ACTION technical assistance projects, fourth, Community Services Administration domestic violence demonstration projects, and fifth, public service employment under CETA. The loss of CETA funds in the fiscal year 1982 budget particularly hurt domestic violence programs. In my own State of California the shelters lost from one-third to one-half of their staff and three programs were actually closed as a result of the loss of CETA staffing. Needless to say trying to maintain 24 hour crisis lines, counseling services and other support services with only

one-half of their former staffing has been very difficult.

Three other programs were block granted resulting in the reduction of funds to alleviate the problem of domestic violence. The National Institute on Alcoholism and Alcohol Abuse domestic violence initiative, a small demonstration program, no longer exists as a separate Federal program. Having been consolidated into a State block grant for alcohol, drug abuse and mental health services, as part of the Omnibus Budget Reconciliation Act of 1981, the States are no longer required to support domestic violence-related projects with their block grant money.

Of greater importance to those of us concerned with domestic violence has been the State block granting of title XX money of the Social Security Act and the Community Action Agencies formerly funded by the Community Services Administration. A major potential source of Federal funding of shelters has been the social services programs under title XX. Through 1981, title XX programs provided matching funds to States for the provision of a wide variety of social services including shelters, and a separate training component on matching funds for training social service personnel. Under fiscal year 1982 budget changes, the block grant was funded at a level which resulted in a 23-percent reduction from projected fiscal year 1982 spending levels for services and training combined. Although it is very difficult to determine how the States are spending their title XX funds, the Department of Health and Human Services believes that only 18 States are planning to fund domestic violence shelters or similar projects. I know that in California not 1 penny of title XX money is going to help solve the problems caused by domestic violence or aid the victims of abuse.

The Community Services Administration was the third program abolished and consolidated into a community services block grant to the States. Up to 1982 the Community Services Administration supported 860 Community Action Agencies which could fund shelters and other domestic violence-related projects if they assisted low-income clients. During fiscal years 1982 and 1983, States have been required to fund existing Community Action Agencies. Because of the lack of detailed reporting required by the States it is impossible to know the effects of block granting. However with a 26-percent funding cut in the block grant and the emphasis on funds for antipoverty agencies, it is very likely that Community Action Agency involvement in, and support of, local domestic violence shelters has been significantly eroded.

As if the picture painted so far were not bleak enough, of the five remain-

ing programs two are targeted to be abolished by the administration. The National Center on Women and Family Law, under the auspices of the Legal Services Corporation, has provided assistance to 300 field programs and has done background legal research related to representing abused spouses in civil cases. If the administration has its way these services will end, leaving an unfortunate void in legal aid for victims of domestic violence. Hopefully Congress will resist attempts to reduce or eliminate funding for the Legal Services Corporation.

The VISTA volunteer program, administered by the ACTION Agency, is another program slated for oblivion by the administration. During fiscal year 1982, around 70 VISTA volunteers worked in 21 shelters and related projects. Having sustained sharp reduction in funding it is obvious that VISTA will not be able to take up where CETA workers left off.

One bright note has been the buying and renovating of housing for battered women's shelters under the community development block grant program administered by HUD. However, in the administration's misguided effort to cut reporting requirements for block grant programs, we have been left with no information of how the community development block grants have spent their money for the past 2 years. Having sustained an approximately 8 percent funding reduction, it is at least obvious that the community development block grant program has not been able to buy shelter houses as it once did.

Of the remaining five programs there are still two small research and demonstration programs funding projects related to domestic violence. The National Center on Child Abuse and Neglect, in the Office of Human Development Services, awarded seven grants in fiscal year 1982 to projects that address the problems and needs of the children of abused spouses. The Center for Studies of Crime and Delinquency, in the National Institute for Mental Health, awarded five research grants and two training grants in the domestic violence area.

Where does this leave the Federal role in dealing with the terrible problem of domestic violence? In summary we have seen that five programs were totally abolished, three blocks granted and probably doing less than Congress had originally hoped, and two more targeted for abolition. The remaining programs that do survive are now able to offer only paper hope. Little real chance remains that victims of domestic violence will find shelter space, be able to exercise their rights to legal recourse or receive the other support services essential to their efforts to free themselves and their families from abuse.

I hope this review will awaken my colleagues to the urgent need to address the truly unfortunate problems spouses face in finding shelters and support from domestic violence.●

TRIBUTE TO HON. ROBERT
McCLORY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. RODINO. Mr. Speaker, it is with a sense of regret at his departure that I add my voice to the farewell tributes being offered to my esteemed colleague on the Judiciary Committee for so many years, Bob McClory.

I have worked closely with Bob McClory, the ranking Republican of the full committee and of the Subcommittee on Monopolies and Commercial Law. We have not always been in agreement. He is a tough-minded man. But over the years I was pleased to have him cosponsor many important pieces of legislation.

I have always valued his support and counsel, his love of the law and his dedication to justice. Bob has a special interest and expertise in matters international. During this Congress, he cosponsored with me the Foreign Trade Antitrust Improvements Act, and worked toward passage of its provisions as a part of the Export Trading Company legislation signed by the President in September.

I shall never forget and shall always be grateful for the difficult, careful and thoughtful role he undertook in the impeachment drama. I remember his shock and disbelief as that tragedy unfolded. In the end, he courageously took on the sad responsibility of writing one of the three articles of impeachment reported by the Committee on the Judiciary.

Now, Bob McClory is voluntarily ending a legislative career that began in 1950 in the Illinois General Assembly and that brought him to the Congress in 1963. He has served his Nation, his State and his district in exemplary fashion.

Earlier this year, after he announced his decision to retire, he testified before a congressional subcommittee. After testifying, he accepted the best wishes of the members and said:

I do not mind looking forward to the retirement. The thing that I am a little apprehensive about are the retirement tributes.

This remark is so typical of his wry humor and graciousness. As one newspaper in his district remarked, "when he left he did so with grace. He can be proud of that."

And another summed up what I think are the sentiments of his colleagues:

We've come to know him well, and to appreciate him as both a person and as a legislator.

We will miss him, as a person, and as a legislator.●

THE FARM ECONOMY: WHICH
DIRECTION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. JONES of Tennessee. Mr. Speaker, the farm economy of our Nation is in an especially fragile financial condition during the present recession. Depending upon how farm income and credit problems are managed in the months ahead, we could witness either a recovery of agriculture to a status of relative health similar to much of the 1970's or a sinking of the farm economy to a situation reminiscent of the 1920's when agriculture preceded the rest of the country into the Great Depression. The December 1982 issue of Independent Banker magazine contains an article by Weldon Barton, the agricultural representative of the Independent Bankers Association of America, which analyzes the situation facing American agriculture and suggests steps to be taken in order to position the farm economy for a healthy recovery.

The text of the article follows:

[From the Independent Banker, December 1982]

THE FARM ECONOMY: WHICH DIRECTION?

(By Weldon Barton)

As we approach the 1983 farm production year and a new 98th Congress, the following question is important: in the months ahead, will decisions be made that help the 1980's take shape as a basic continuation of the 1970's agricultural era, or will retrogression to an agricultural era more characteristic of the 1920's occur?

The 1970's were marked by expanding export markets for U.S. farm commodities—with only intermittent years of oversupply—and built-in, government sponsored market price "floors" and related stabilizers which combined with periodic export surges to sustain rather than strong average farm prices during 1970-1979.

The 1920's were characterized by chronic overproduction and low farm prices, downward movement in farmland prices, and a strong reluctance by government to initiate production restraints and related measures to stabilize the deteriorating farm economy.

It is useful to bear in mind certain similarities to these earlier periods in considering the following discussion, which is intended to provide perspective for decisions ahead.

THE FARM RECESSION OF 1982 IN PERSPECTIVE

When averaged over the 1970's, total financial returns to farmers were substantial in terms of both realized income and appreciated value of capital assets. According to July 1982 calculations by Chase Econometrics, realized net farm income for 1982 would have to total \$30.5 billion (or 72 per-

cent above the \$17.7 billion then projected by USDA), in order to be equivalent to the average farm per capita income level during the decade of the 1970's.

Regarding asset appreciation, during 1970-79, the market price of farmland increased by an average 25.9 percent annually, amounting to an increase of \$45.6 billion per year, thus for the same period more than doubling both the average general inflation rate of 11.2 percent per year and average annual realized net farm income of \$21.6 billion.

During the decade of 70's, agricultural lenders increasingly allowed farm borrowers to pull equity out of their farmland and other capital assets to make additional land and equipment purchases and to meet short-term operating expenses. This practice enabled the Farm Credit System to become the leading lender in farm real estate-secured debt by 1978. The FCS attained this lead through refinancings, which during the 1970's accounted for 40-50 percent of the total FCS extended real estate debt, and a substantial portion of this credit was used to finance short-term production.

Similarly, even though the Farmers Home Administration's regulations prohibit the use of regular farm real estate loans for operating purposes, a large portion of FmHA financing under the "farm emergency" and "economic emergency" loan programs (which greatly expanded after the mid-1970's and together comprised 68 percent of total FmHA farmer loans outstanding in 1981) was used to refinance farm operators who faced unmanageable cash flow problems.

To a substantial extent, the cash flow problems which led to Farm Credit and FmHA refinancings during the late 1970's resulted from extensive investments by farm operators in farmland and other capital items based upon overly-optimistic projections that the high farm commodity prices which prevailed around 1973 would continue.

However, the years 1980-82 have continued to witness the substitution of farm operator debt for net cash income, except that during this most recent period the cash flow problems are due primarily to persistently low farm prices for basic crops. Realized net farm income (before inventory adjustments) dropped from \$26.7 billion in 1979 to \$24.4 billion in 1980 and \$19.6 billion in 1981, and is expected to drop perhaps another \$600 million.

Meanwhile, effective supply controls to reduce surplus inventories of farm products were not implemented in 1982 in order to position the cropland farming sector for an economic turnaround. While the non-farm economy geared down to an average 69 percent of production capacity in 1982 to set the stage for a recovery, U.S. basic grain production increased to 101 percent of last year's record production. (Combined corn and wheat production is estimated at 11.12 billion bushels for 1982, up 1 percent from 11.0 billion in 1981.)

By late October, the government-sponsored grain reserve and nonrecourse loan programs were already bulging with 3.5 billion bushels of wheat and feed grains (including 2 billion bushels of corn), and about 1.9 billion bushels of 1982 corn crop which is eligible to enter the government loan or reserve is several times the total volume of grain which the Soviet Union is expected to purchase from the United States during the year ending September 30, 1983.

Furthermore, due to the low participation in the 1982 corn program which amounted to 23 percent of acreage planted to corn, for the first time since the 1930's the government price support loan level will not serve as an effective "floor" under the market prices for corn. During October, the average price received by farmers was \$2.03 per bushel, or 52 cents per bushel less than the \$2.55 price support loan rate.

Based upon a projected \$2.20 per bushel average price to farmers during the 1982-83 corn marketing season, producers of approximately 6.4 billion bushels of corn which is not eligible for a nonrecourse loan (8.3 billion bushels estimated production x 77 percent participating acreage = 6.4 billion bushels) stand to lose \$2.24 billion compared with every previous year when the loan level constituted the market "floor." (An apparently small portion of this loss would not materialize, to the extent that farm operators locked in a return higher than \$2.20 by hedging or forward contracting.) Of course, many producers will not actually market their own corn at harvest time, but they will have to allocate costs for storage and will face a future price situation that is uncertain at best.

This temporary lapse in the corn marketing system could be partially self-correcting in 1983, because it undoubtedly will lead to higher rates of participation in the commodity programs for 1983. Higher participation rates could, in turn, restore the price support loan level as the market floor. However, it is also quite conceivable that the supply-demand imbalance could reach a point where the government incurs large losses on the feed grains relinquished to the CCC by farmers holding nonrecourse loans (in addition to outlays for storage and target price payments), and the entire system would become politically unsustainable. This, in turn, could prompt steps to remove the built-in government stabilizers *per se*, exposing major segments of the farm economy to a potential farm asset devaluation reminiscent of the 1920's.

THE DETERIORATING BALANCE SHEET OF AGRICULTURE

At least until very recently, it was commonplace to refer to the farm economy as "fundamentally strong," and to cite the overall average "balance sheet" of agriculture to document the point. For instance, the debt-to-asset ratio for all farm and ranch operations in the United States was 18 in 1970—that is, debt was 18 percent of assets, and this ratio fluctuated narrowly between a high of 18 and a low of 16.2 during 1970-79, standing at 16.3 for 1979. Even by January 1982, it had risen to only 18.5.

But a great deal of this apparent financial strength rests upon the Census Bureau's broad definition of a "farm." As of December 1979, only 1.27 million of the total 2.35 million U.S. farmers, or 54 percent of the total, had farm debt. This 54 percent of farmers who have debt make up the overwhelming portion of the actual agricultural economy, since only 1.2 million farms (54.9 percent of total farms) have over \$10,000 of annual sales, and this 54.9 percent of the farms produces over 95 percent of total sales volume.

Thus, almost one-half of the "farmers" included in the overall debt-to-asset ratios are essentially living on a "farm" but hold little or no farm debt and derive their livelihood predominantly from non-farm employment. And of those 1.27 million farm operators with farm debt, their debt at the end of

1970 averaged \$80,000 compared with assets of \$352,000 yielding a debt-to-asset ratio of 22.6—39 percent higher than the 16.3 for all Census "farmers."

When the overall averages are further dissected, the figures reveal a rather debt-laden position among a large segment of commercial-size farm operators. As of December 1979, about 291,000 farm operators, 23 percent of all operators with debt, had a debt-to-asset ratio of 41 or higher. Offsetting these higher-leveraged operators on the other side of the ledger were farm landlords without debt (most of whom were not themselves farm operators but instead rented their farm assets to operators), who held 47.9 percent of all farmland and service building assets totaling \$353.7 billion in 1979.

It should be noted that the 291,000 farm operators (23 percent of all operators with debt) who had debt equal to 41 percent or more of their total assets had such debt in 1979, (prior to the 1980-82 farm recession) and substantial further deterioration in the balance sheet of many farm operators has occurred since 1979. The seriousness of the present situation is indicated by a survey conducted by the independent Bankers Association of America during September, 1982, to which 873 (or 42 percent of the 2,076 banks that responded) said that based upon their current assessment, 6 percent or more of their existing farm borrowers were not expected to qualify for commercial financing for 1983 production purposes.

PRESSURES ON THE FARMERS HOME SAFETY VALVE

The same September 1982 IBAA survey asked the question: "Regardless of the reason, in your judgment has Farmers Home Administration's extension of credit to agricultural borrowers in your area this year been: too lenient, about right, too restrictive, or far too restrictive." Among the 2,004 banks that responded, 45 percent said FmHA was too restrictive, 43 percent said about right, and 12 percent said too lenient. The responses suggest that most agricultural banks approve of the FmHA serving as a partial financial safety valve, as "financer of last resort" to commercial farm operations which are competently managed, during the deepening agricultural recession.

Such approval of FmHA may be difficult to understand, because the agency is no longer a peripheral lender in the farm economy. With about \$20.6 billion of agricultural credit outstanding to 270,200 farm borrowers in 1982, the agency is involved in financing over 21 percent of the 1.27 million farm operators with debt. Over 50 percent of the total dollar volume of loans made by FmHA to farmers since the agency's beginning has been made since 1975, and FmHA's market share of total farm production debt held by institutional lenders (excluding individuals and the CCC) rose from 4 percent in 1977 to 19.4 percent in 1982.

Realistically, however, it is significant that FmHA is no longer the exclusive source of agricultural credit for a large percentage of its borrowers, but instead shares the credit financing of borrowers with commercial lenders through simple participations involving the simultaneous closings, participations involving the subordination of collateral by FmHA, the refinancing of farmers' accumulated debt with FmHA takeout loans, and other arrangements.

The agency's data in the volume of shared lending is spotty, but for real estate credit in 1981 alone \$186 million was extended by commercial lenders in some form of partici-

pation with FmHA. In 1982, about 29,950 FmHA farm loans involved subordination of collateral to commercial lenders (compared with 5,800 such loans in 1981), and approximately \$1 billion of commercial credit resulted from these 1982 subordinations.

Going into 1983, the FmHA may be the last resort for a substantial number of properly-managed commercial-size farmers who do not wish to liquidate, including not only existing FmHA borrowers but also many farm operators who, for the first time, will be unable to secure adequate credit elsewhere. The agency has a number of legal authorities (including refinancings, repayment deferrals, collateral subordinations, loan guarantee authority) to cope with the situation. However, the currently-budgeted lending volume which includes about \$1.5 billion for regular operating loans may be inadequate, and the maximum flexibility and usage of the agency's legal authorities will be required.

THE CHALLENGES OF 1983

As indicated earlier, developments over the next several months could determine to a large degree whether the decade of the 1980's takes shape for the agricultural economy more like the 1970's, or the 1920's. If at least a modest rise in export marketing begins to occur for the basic crops, if effective production controls are implemented and price support policies are carefully directed, and if credit with an active FmHA is properly arranged, the agricultural economy could begin to reposition for a recovery somewhat similar to the 1970's.

However, the financial structure of the agricultural economy is now unusually fragile, and the pragmatic system which combines individual decision-making by hundreds of thousands of competitive independent farmers with timely government intervention—which has sustained a relatively stable and highly productive American agriculture—could be in jeopardy.

As described earlier, farm capital assets (mostly farmland) stands as collateral behind a growing portion of total outstanding farm debt, including a substantial amount of debt incurred for short-term operating purposes but reamortized over longer repayment periods. The U.S. farmland market is traditionally thin and dominated by farmers (less than 3 percent of the farmland is transferred annually and almost three-fourths of the buyers are farmers), and it was especially thin in 1982 due to the reluctance of both buyers and sellers to enter the market.

If unusually large amounts of land were to be moved into liquidation in the period ahead, due perhaps to an undue tightening of FmHA credit or reacting to increased budget costs of price support and supply control policies by undermining the policies *per se* rather than managing them better, this could cause more precipitous declines in farmland prices and the collateral underlying farm debt.

A case can be made that farmland had become overpriced, because during the 1970's the demand for farmland was enhanced by temporarily-escalated farm price levels which were not sustained and by buyers seeking a hedge against general inflation. However, this is being worked off over time as market prices for farmland have stabilized or dropped in many areas, and because farmland prices are likely to rise at rates below the general inflation rate at least for a significant period of time.

Any developments triggering more precipitous reductions in farmland prices would also cause serious erosion of the independent farmer structure of U.S. agriculture. As of 1978, there were approximately 525,000 farm operators in the United States with annual sales between \$40,000 and \$200,000, who collectively accounted for about 43 percent of total sales of agricultural products. Given current conditions, one would expect most farm liquidations to occur among this segment which makes up the basic group of commercial-size independent farmers in the United States.

If farmland was reduced to "bargain" levels, (with more extensive pressures actually to sell), purchases of land would be made in the present climate primarily by groups who retain sufficient net worth to have a longer financial time horizon. These would include: (1) the larger farm operators who also tend to be substantial landlords (approximately 64,000 farms have over \$200,000 of annual sales and together make about 39.3 percent of total agricultural sales); and (2) nonfarm operators including pension funds and other institutional investors.

Extensive farmland purchases by these groups would reduce the number of commercial size independent farmers and increase concentration in agriculture, further bifurcate production agriculture into renter operators and "absentee" landlords (non-operator landlords already hold 48 percent of farmland assets), and render independent farm operators more vulnerable to future liquidity squeezes.

In positive terms, the hardest decisions that need to be made in order to position the farm economy for a 1970's-type recovery involve reducing supplies and improving realized net income of producers of grains, cotton, and other land-intensive crops. At least two types of action are needed.

First, effective supply controls must be implemented in 1983 that frankly recognize the reality that the agricultural production plant must gear down temporarily in view of the present global recession, the various political interruptions to export markets, and the favorable weather conditions which produced consecutive record U.S. grain crops. These production controls should supplement (not replace) the existing grain reserve policy and can be composed of the ad hoc voluntary and "paid" diversion types of controls which are compatible with a longer term market-oriented approach. However, such ad hoc measures will be effective only if they are adequate and equitable, and only if the OMB or others resist any temptation to leverage the situation into basic policy changes which could frustrate achieving Congressional approval.

But such ad hoc measures will be adequate only if the USDA, OMB, and other government agencies involved are able and willing to work together pragmatically and effectively.

Second, Congress and the Administration need to make pragmatic alterations in the policies which have held realized annual cash income of land-intensive crop farmers below costs of production in recent years. Specifically, a pricing structure is needed that returns a positive cash flow (including allocated costs of farmland) to well-managed farm operations. Except that special costs may be necessarily incurred in working out of the current predicament, this can be done without excessive budget outlays if the proper mix of price support loan "floors" and other measures are used.

In conclusion, it should be noted that there is an abiding search for a so-called "new economics" in the United States to avoid the economy leveling out at unacceptable high unemployment and unused productive capacity. However, this has not been a problem with the land-intensive agricultural production sector, which has continued to demonstrate high productivity gains and record breaking production. Appropriately, the agricultural economy has thus far largely avoided the polarization of policy into "regulation versus deregulation" which has occurred in various other economic sectors. Hopefully, a pragmatic approach for the agricultural economy can continue to prevail.●

THE U.N. COMMISSION ON HUMAN RIGHTS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. BONKER. Mr. Speaker, last Friday the House Foreign Affairs Subcommittee on Human Rights and International Organizations, which I chair, met to review the work of the 38th session and the upcoming 39th session of the U.N. Commission on Human Rights. The witnesses were Michael Novak, U.S. Representative to the Commission; Richard Schifter, Alternate Representative; and David Kramer, Professor of Law, University of Texas. I would like to commend to the attention of my distinguished colleagues my opening statement.

(The statement follows:)

Today is the 34th anniversary of the U.N. Declaration on Human Rights. It is fitting that we meet to review the work of the U.N. Commission on Human Rights.

For the first time in several years, due to the Congressional schedule, I was not able to attend any meetings of the 38th session of the United Nations Commission on Human Rights. The Commission met in Geneva from February 1 to March 12, 1982. A staff member of the Subcommittee was in attendance during the sessions of the Commission the first week in March. Over a year ago the Subcommittee held a hearing to review the work of the 37th session of the United Nations Commission on Human Rights. At that time I said: "It is my hope that at the 38th session the U.S. will take some positive initiatives and regain a leadership role in the human rights area. The delegation should be strengthened by the fact that our representatives will be veterans of the last session * * *."

I am pleased to note that from all accounts the U.S. delegation received high praise and was instrumental in passing a number of initiatives despite their controversial nature.

The good work of the U.S. delegation and the positive decisions on a number of issues were a welcome contrast to the previous year. The Commission adopted 44 resolutions covering almost all items on the agenda. Its opening was marred by the announcement that Mr. Theo Van Boven, the Director of the U.N. Human Rights division, would be leaving his job. He had taken a leading role at the U.N. in holding govern-

ments accountable for their human rights violations. His effective work on behalf of people who have suffered atrocities and indignities will be missed.

I will not comment on every agenda item but would like to discuss several that have been of ongoing interest to the Subcommittee.

I was especially delighted that the mandate of the working group on missing and disappeared persons was renewed for another year. I would expect that at the 39th session the U.S. delegation will again be supporting the extension of its mandate.

I was also delighted that the U.S. delegation ably dealt with the difficult resolution on Poland. The hard work of the delegation paid off when the Commission decided to request the Secretary-General to undertake a thorough study of the human rights situation in Poland and to report back to the Commission at the 39th session. This was a very significant act on the part of the Commission.

Several new initiatives that were adopted must be mentioned. It is my hope that they will be further acted upon during the 39th session. One was a resolution dealing with protection of persons detained in psychiatric institutions. It was proposed by the United Kingdom and adopted by consensus. Another was a resolution on the right of individuals and groups to promote human rights. This was a Canadian proposal adopted by consensus and designed to express moral support for Helsinki monitors and similar groups. Another Canadian resolution adopted by consensus was on human rights and mass exoduses. The resolution called for follow-up action during the 39th session. A fourth resolution was sponsored by Denmark and it deplored summary and arbitrary executions. The Commission stated that it was "deeply alarmed about the occurrence of summary or arbitrary executions, including extra-legal executions, that are widely regarded as politically motivated." The resolution called for the appointment of a special rapporteur to examine that question and prepare recommendations for the 39th session.

I was disappointed that the U.S. delegation once again voted against the continuation of a special rapporteur for Chile. His term was extended by a vote of 28 in favor, 6 opposed, and 8 abstentions. The special rapporteur once again reiterated "serious concern at the persistence and, in certain respects, the deterioration of the situation of human rights in Chile." The Commission accused the Chilean government of persecuting, intimidating, imprisoning, and exiling labor union leaders and others. The U.S. delegation has an obligation to act differently at the 39th session. Nothing has happened in the last year to indicate any improvements in human rights in Chile.

I was further disappointed that in the open session the U.S. delegation voted against a resolution on El Salvador and abstained on a strong resolution on Guatemala. In both instances the Commission decided to extend the mandate of a special rapporteur for another year. Perhaps the U.S. delegation will take certain positive actions on these questions at the 39th session of the Commission.

Other matters of importance include a resolution that the Subcommittee passed condemning all forms of religious persecution and discrimination as a violation of human rights. This comprehensive resolution calls on the U.S. delegation to work for the establishment of a working group on

the elimination of all forms of religious persecution and discrimination. Every effort should be made to establish such a working group. You certainly will have the support of the U.S. Congress.

Finally, the U.S. delegation should do all it can to encourage the working group on torture to complete its work in drafting an international convention on torture.

I understand, Mr. Novak, that you will not be going back as head of the U.S. delegation to the 39th session. I want to publicly praise your work at the 38th session. I regret that you will not be in Geneva in 1983 to build on the accomplishments of last February and March. Your dedication, labor, and experience in service to your country will surely be missed.●

THE NUCLEAR REALITY: BEYOND NIEBUHR AND THE JUST WAR

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. EDGAR. Mr. Speaker, during the past 2 years many loyal Americans have undergone changes in their attitude toward our nuclear arsenal. One such person is Kermit D. Johnson. He has analyzed the morality of a world whose obsession with security leads to a never-ending arms race. He has pondered the "perverse preference for the war of mutual annihilation, simply because mutual annihilation means the other side doesn't win, either." And he has tried to relate our modern situation to the ethics of Reinhold Niebuhr and the idea of "just war." After considering these questions Kermit Johnson decided that he must work to help the world extricate itself from the nuclear quagmire. He believes that we must challenge the justification that our Nation's so-called defenders have been giving to the nuclear arms race.

Many other people have come to that conclusion in the recent past. What makes Kermit Johnson different is that he is Maj. Gen. Kermit Johnson, graduate of West Point and the U.S. Army War College, a former combat commander in Korea, and until this year Chief of Chaplains of the U.S. Army. Major General Johnson has described his thoughts in an article which appeared this fall in the Christian Century.

Mr. Speaker, I insert Major General Johnson's article, "The Nuclear Reality: Beyond Niebuhr and the Just War," at this point in the RECORD.

THE NUCLEAR REALITY: BEYOND NIEBUHR AND THE JUST WAR

(By Kermit D. Johnson)

As a commissioner to the 1980 General Assembly of the United Presbyterian Church, I was convinced that the church's new peacemaking efforts needed "a good dose of Niebuhr." I saw "The Call to Peacemaking" document as pacifistic and deficient in its failure to affirm the "just war." In a brief speech to the Peacemaking Committee, I closed this way:

"I dare say that if 'The Call to Peacemaking' were being written just after World War II, it would read differently. With the memory of Munich, it probably would include a statement something like this: 'There can be no security in a world whose obsession with peace leads to appeasement.'"

Then I quoted from Reinhold Niebuhr's letter to a pacifist who was reluctant to favor the Allied war effort against Hitler:

"Your difficulty is that you want to try to live in history without sinning . . . our effort to set up the Kingdom of God on earth ends in a perverse preference for tyranny, simply because the peace of tyranny means, at least, the absence of war." (*Love and Justice* [Westminster, 1957].)

This was the dose of realism I felt my Presbyterian brothers and sisters needed.

Now, two years later, I am in a different place. Although my background includes graduation from West Point, Command and General Staff College, the U.S. Army War College, overseas service in Okinawa, Germany and Vietnam, combat duty as a company commander in Korea and chaplain assignments at every level of the army, including the Pentagon, none of this experience has prevented a gradual but inexorable change in my viewpoint during the past two years. No, I did not become a pacifist. In fact, I will probably continue to bristle when the facile warmongering stereotype is unfairly and uncharitably applied to the many fine leaders of our armed forces. Likewise, I will continue to defend those military chaplains whose self-identity and role definition is so clear that they lend no credence to Niebuhr's remark, "Kings use courtiers and chaplains to add grace to their enterprise."

What has changed is my view of nuclear warfare and nuclear weapons. The change is by no means unusual or unique. In the May 1982 chief of chaplain's newsletter, I referred to the people of Europe who feel they are "living on the battlefield." Then I shared my own feelings:

"I believe that statement can go further: *We are all living on the battlefield.* We are all vulnerable. For years I have put this out of my mind, knowing perhaps in some distant or subliminal way that it was true. But it never 'grabbed' me. I just really did very little thinking about it. That is not true recently, however. This new awareness is happening to many people the world over. I believe this is of God, and I believe this is something God is doing in human history today. Doubtless it is striking fear into the hearts of many, leaders and policy-makers especially. This awareness of itself may not automatically determine immediate specific policy, but it is *right* that human beings be aware that it is *wrong* to be nonchalant, unthinking and indifferent about the real danger of the possible destruction of humankind. I welcome this widening awareness as a divine intervention, a warning and a signal, possibly a life-and-death 'last chance' for human civilization. Life is a precious gift of God, willed by our Creator, but it cannot continue unless we also will that it does."

If I were to revisit the Peacemaking Committee now, I would say to them that the question is not whether we are to "live in history without sinning," but whether we are to live in history at all. If we were to apply Niebuhr's real politics, with its ready acceptance of the inevitability of conflict, to the present nuclear situation, it could well mean "a perverse preference for the war of

mutual annihilation, simply because the war of mutual annihilation means, at least, that the other side doesn't win either." In speaking of plans for a protracted nuclear war, Secretary of Defense Caspar Weinberger said recently that nuclear war was not winnable but that "we certainly are planning not to be defeated" (*New York Times*, August 9, 1982).

In view of continued presidential certification and support of the government of El Salvador, I would conclude, "There can be no peace in a world whose obsession with security leads to denying the claims of human rights and justice." Finally, I would still admit that under certain circumstances, weakness invites aggression. Peacekeeping has a place. The United States Army War College motto, "Not to promote war, but to preserve peace," is the idea behind the Armed Forces motto, "Peace through strength." But now I would have to ask, "When does 'peace through preparation for war' make war a more likely possibility?" Certainly I would say, "There can be no peace in a world whose obsession with security leads to a never-ending arms race."

Reinhold Niebuhr saw history as a "long tale of abortive efforts to establish peace," with failures due "either to the effort to eliminate the factor of force entirely or to an undue reliance upon it" (*Moral Man and Immoral Society* [Scribner's, 1932]). During the rise of Hitler and World War II, Niebuhr moved from his early pacifism to focus on the pacifist's unrealistic effort to eliminate the factor of force. But now it appears that Niebuhr's comment on "an undue reliance upon the factor of force" was more prophetic. The undue reliance on force by both the United States and the Soviet Union is characterized by nuclear overkill, indiscriminate arms peddling, and the wasting of precious human and national resources in an unending arms race.

Given these conditions and Niebuhr's ability to shift his thinking, I wonder if he were living today whether he would not sharply limit his application of real politics. He reminded us that realism, not moralism, guides the conduct of nations. Nations relate to one another simply on the basis of self-interest. It is unreasonable and moralistic to expect nations to reflect the virtues of individuals—hence his book title, *Moral Man and Immoral Society*. Niebuhr chided moralists for failing to understand "the brutal character of the behavior of all human collectives." The stark realities of power and conflict must be accepted as inevitable. Indeed, "to the end of history the peace of the world . . . must be gained by strife."

Such ideas from Niebuhr's real politics blunted moral attacks on war and helped provide an easy conscience to a generation of American policymakers. But now the case for realism appears to be moving beyond Niebuhr. Real politics, with its acceptance of the inevitability of conflict, is no longer realistic—not when two nations with a total of more than 50,000 nuclear weapons can essentially obliterate one another. We must go beyond real politics, from self-interest to shared interest. Despite their competing systems, the U.S. and the U.S.S.R. have a shared interest in survival. Niebuhr states it clearly:

"The peril of nuclear war is so great that it may bridge the great ideological chasm between the two blocs and make them conscious of having one thing in common: preference for live over death." (*The Structure of Nations and Empires* [Scribner's, 1959].)

In order to realize this preference, we must go beyond Niebuhr's realistic observation that groups and nations relate predominantly on a "political rather than ethical" basis. If we cannot, then we must face the likely doom of the human race. Ironically, a recently revealed memo which former president Harry Truman wrote in 1958 indicates that he feared precisely this failure.

The nuclear reality not only takes us beyond Niebuhr and real politics; it also takes us beyond the "just war" as a justification or rationalization for the use of nuclear weapons. Nuclear warfare is indicted, not vindicated, by the limiting categories of just-war criteria such as due proportion, just means, just intentions and reasonable possibility of success. The burden of proof is on those who would say otherwise. A limited nuclear "just" war can be theoretically conceived of in a textbook scenario, but is it possible in the real world? War is confusion, chaos and hell, not predictable sequences. Even if nuclear weapons were to be used as counterforce, and even assuming that non-combatants could be protected, the question of escalation would remain unanswered—not to mention long-term environmental or genetic damage. How can we know that any use of nuclear weapons will not result in catastrophic escalation?

In 1978, General Creighton Abrams was said to have interrupted a discussion about limited nuclear war "with an expletive, followed . . . by the statement, 'One mushroom cloud will be reported as one hundred, and that will probably be the end of the world.'" The technical discussions as to when or whether nuclear weapons can be used without violating just war criteria are irrelevant unless the question of escalation can be answered with certainty.

I suspect that a number of these conclusions are shared by many middle-of-the-roads who have thought of themselves as just-war adherents. Our realization that the just war theory provides no justification for nuclear weapons or nuclear warfare has involved painful reappraisal, a "shaking of the foundations." However, some of us were prodded and assisted by the cavalier comments of leaders in the current administration. European nuclear protest has been accounted for as "Protestant angst" (Assistant Secretary of Defense for International Security Policy Richard N. Perle) which was "bought and paid for by the Soviet Union" (President Ronald Reagan). On this side of the ocean, Secretary of the Navy John Lehman blamed "a few uninformed and overly idealistic religious leaders."

This trivialization of nuclear concerns was a misreading of the across-the-board struggle taking place with issues of life and death, of the widespread sense that this may be the "last chance" for human civilization. Since our leaders did not have the sensitivity to feel the moral earnestness of literally millions of European and American people, it is legitimate to ask how sensitive they are to the moral issues themselves.

In good will we might patiently wait for signs of moral leadership, but the facts of history do not offer us this choice. We were the first and only nation to use atomic bombs in war. It was a presidential decision; the American people were not consulted. Furthermore, in our armed forces schools, military officers in tactical war gaming make the assumption that nuclear "release" will be forthcoming in any major war. Where did such an assumption come from?

All these factors heighten the importance of the present nuclear debate. If there is

any hint from our political leaders that the use of nuclear weapons is regarded once again as one of the prerogatives of power in a "close hold," then at the very least the nuclear debate ought to serve the purpose of forcing openness, or what Jacques Ellul called "unmasking." Using nuclear weapons does not fit into the "If I felt the American people needed to know . . ." category. History, if there is to be a history at all, must not repeat itself.

But the only guarantors of this history are the American people themselves. As reported in the *Washington Post*, former secretary of defense Robert S. McNamara implicitly assigned this responsibility recently when he attempted to account for the tremendous nuclear buildup by the U.S. and the U.S.S.R. in the last 15 years. Robert Scheer asked, "But how did this happen?" McNamara's response: "Because the potential victims have not been brought into the debate yet, and it's about time we brought them in. I mean the average person."

In order for this participation to take place, "the average person" must overcome a passive feeling of inferiority which blindly blesses government policy, and is content to "leave it to the experts." The question is not whether we trust our leaders, but whether our leaders can be made to trust the American people and bring them into their confidence. Gatekeeping is a permanent feature of any bureaucracy.

At lunch with me one day in the Pentagon, a senior Defense Department official complained about Roman Catholic bishops who, in involving themselves in nuclear issues, were "tampering in geopolitical areas." I responded by defending the bishops' right to transgress the sacred soil of geopolitics; the possible killing of human beings is certainly a moral question. "Potential victims" have a right to be brought into the debate and the decision-making process concerning their fate.

"Potential victims" must also break through their sense of foreboding and inevitability—the prime ingredient which could bring us to a nuclear holocaust. In reflecting on the Truman-Churchill decision to use the atomic bomb, Niebuhr said, "The question is whether they were not driven by historic forces more powerful than any human decision." Will competitive forces "more powerful than any human decision" once again drive us toward use of nuclear weapons and ultimate disaster? Or will we decide that human decisions can and will control our destiny?

It now appears that the U.S.-U.S.S.R. arms race has taken on "a life of its own." Completely apart from the "Soviet threat," the reason this is so is that we have ascribed an idolatrous power and ultimacy to weapons which has deepened our dependence on them and increased our feelings of inevitable disaster. Therefore our president "orders" another 17,000 nuclear weapons. And he proposes to sell \$25 billion worth of arms in a single year to a waiting world. The familiar statement "If we don't, someone else will" is a sign of the paralysis of "inevitability" and lack of moral leadership—not a valid reason for arms peddling.

Last year Frank C. Carlucci, deputy secretary of defense, described what he believed to be an election mandate: "We are obliged to rearm our country." Then, in anti-gun-control language, he said, "A casual appreciation of history reveals that neither weapons nor armies start wars. People start wars." This, of course, is nonsense, even though it is true that people start wars.

What is so tragic is this nonchalant approach to weapons, as if they were just another commodity such as wheat or silver. Admiral Hyman G. Rickover's sense of history in his "final blast" before retirement was more accurate:

"The lesson of history is: When a war starts, every nation will ultimately use whatever weapon has been available. That is the lesson learned time and again. Therefore, we must expect, if another war—a serious war—breaks out, we will use nuclear energy in some form. That's due to the imperfection of human beings." (*New York Times*, January 30, 1982.)

Even though Rickover seems given over to the probability of nuclear extinction, he nevertheless seems to appreciate that weapons are not "neutral," that their presence introduces a compelling temptation for human beings to use them.

Jacques Ellul probed the deeper reasons why human beings must get control of weapons and weapons systems or be controlled or destroyed by them. In a technological society, Ellul points out,

"People think that they have no right to judge a fact—all they have to do is to accept it . . . A striking example of this religious authority of the fact is provided for us by the atomic bomb. Confronted by this discovery, by this instrument of death, it was quite possible for man to refuse to use it, to refuse to accept this fact. But this question was never even raised. Mankind was confronted by a fact, and it felt obliged to accept it. All the questions which were raised after that were secondary: 'Who will use this weapon? How shall we organize our economy with it in view?' But no one ever raised the question: 'Is this line of action itself good or bad?' The reason is that 'the fact' itself at the present time seems to be something which is beyond good and evil." (*The Presence of the Kingdom* [Seabury, 1967].)

Actually, Ellul is not quite correct in stating that the question of refusing to use the atomic bomb "was never even raised." The matter was never considered in any public forum. However, the Committee on Social and Political Implications in its report to then-Secretary of War Henry Lewis Stimson stated prophetically:

"The use of nuclear bombs for an early unannounced attack against Japan is inadvisable. If the U.S. were to be the first to release this new means of indiscriminate destruction upon mankind, she would sacrifice public support throughout the world, precipitate the race for armaments, and prejudice the possibility of reaching an international agreement on the future control of such weapons" (quoted in Alan Geyer, *The Idea of Disarmament* [Brethren Press, 1982]).

This committee foretold the consequences of the nuclear "Fall." They underscored Ellul's contention that nuclear weapons command a religious authority over our lives.

We cannot reverse the Fall, but what we can reverse is our continued complicity in nuclear idolatry. The time has come for the American people to overcome the religious authority of nuclear weapons by questioning their basis in "fact." Neither real politics nor the just war theory can provide a legitimate basis for their existence or use. The "fact" of nuclear weapons has been superseded by a more compelling fact: that human beings have a right to live free of the risk of mutual nuclear annihilation.

This is the essence of European and American nuclear protest.

Paul Warnke's comment that the START talks were "conceived in sin" (as a result of grass-roots pressure) indicates the reluctance of the leaders of this administration to face the primary moral question of nuclear arms control and elimination. Having accepted nuclear weapons as "fact," these leaders have concentrated on secondary questions concerning nuclear capability and use. Now it is time for our leaders to exercise their considerable talents in the "politics of self-interest" by stopping the nuclear arms race instead of continuing to justify and stockpile the means of mutual suicide.

Albert Einstein once said, "We live in an age of perfect means and confused ends." Our politicians and the technicians of violence have shown great dedication to perfecting the means for human extinction. Now it is time for them to back off and ask, "to what end?" If they cannot exercise a commensurate moral leadership in addressing this question, then it is time for the leaders to be led. ●

MARY R. BUBNA, REPUBLICAN
WARD 5 LEADER FOR 28 YEARS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Ms. OAKAR. Mr. Speaker, one of Cleveland's most active women has passed away. Although she was of the opposite political party I had a great deal of respect for her. My personal sympathy to her family.

The following is an article which appeared in the Plain Dealer:

Caring for her family and politics were priorities in Mary R. Bubna's life.

She came to Cleveland in 1911 from Reggio Calabria, Italy, with her parents. She attended business college and helped her late husband, William H., start an accounting and insurance business. She continued to work at the business with her children.

Mrs. Bubna, 73, died yesterday at Cleveland Metropolitan General Hospital. She had been in the intensive care unit since Nov. 17 for treatment of a kidney ailment.

For 28 years, Mrs. Bubna was the Republican Ward 5 leader. She was a member of the GOP state central and executive committees and the Cuyahoga County central and executive committees.

She was a delegate and an alternate at several Republican national conventions, most recently in 1976.

Mrs. Bubna was appointed by former Mayor Ralph J. Perk as a Cleveland civil service commissioner in 1976 and was reappointed by Mayor George Voinovich in 1979.

Along with her political work, Mrs. Bubna helped the Boy Scouts raise money for summer camp. During World War II, she was a volunteer at the Crile Hospital.

Mrs. Bubna is survived by sons, Joseph A. and Frank Romeo; daughter, Catherine Yadlovsky; mother, Domenica Zaffino; a brother and sister, 10 grandchildren and five great-grandchildren.

Services will be at 10 a.m. Monday at St. Rocco's Church, 3205 Fulton Rd. ●

INDONESIA AND EAST TIMOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. EDWARDS of California. Mr. Speaker, on several occasions in recent years I have expressed great concern over the conflict prevailing in the former Portuguese colony of East Timor. I have continued to stress the illegal nature of the Indonesian invasion and occupation of that territory and have called for American diplomatic moves that could help terminate the Indonesian occupation. I have noted that this tragic conflict may well have thus far claimed more than 200,000 East Timorese lives out of an original population of less than 700,000.

More than this, I have expressed my dismay over the diplomatic position taken by the United States. Far from helping to find a just solution to this tragedy, the United States has supplied Indonesia with vast quantities of military equipment in the years since Indonesia's 1975 invasion of the territory. The United States, disregarding the United Nations Charter which our diplomats helped to draft in San Francisco in 1945, has supported Indonesia in the U.N. votes on the Timor issue.

But the Congress has become more active on issues pertaining to East Timor, and I hope to see congressional involvement increase in the coming year.

There are others whose activity on the East Timor issue should increase dramatically, in my judgment. It should be recalled that until 1975, East Timor had been a Portuguese colony for 400 years. East Timor was dependent upon Portugal for protection against an Indonesian invasion. For whatever reason, Portugal failed to prevent the Indonesian assault, and Portugal will continue to bear a heavy responsibility for this failure.

As I have noted in recent years, Portugal has at various times announced moves that could help bring a just settlement to East Timor. I have applauded these moves, while noting that the right of self-determination for the people of East Timor is an inalienable right that cannot be ignored.

On December 14, the current Prime Minister of Portugal, the distinguished newspaper editor Francisco Pinto Balsemão, will meet with President Reagan in Washington. I believe that the Portuguese Prime Minister will raise the East Timor question with our President.

I would like to take this opportunity to urge all possible steps that can bring peace to East Timor within a proper legal framework scrupulously respecting the wishes of its inhabitants. Like Britain in the case of the

Falkland Islands, Portugal has the capacity to conduct an active diplomacy on the East Timor issue. But concerning East Timor, where so many people have died fighting for their freedom from foreign domination, the responsibility of the former colonial power is all the more keen.

To inform my colleagues on the editorial opinions of two of our Nation's leading newspapers, I insert for the RECORD commentaries that have appeared in the San Francisco Chronicle and the New York Times:

[From the San Francisco Chronicle, Oct. 13, 1982]

INDONESIA AND EAST TIMOR

The red carpet has been rolled out for Indonesian President Suharto's visit to Washington. At the welcoming ceremony, President Reagan told this leader of a nation of 13,500 islands that "the United States applauds Indonesia's quest for what you call national resilience. No nation in our era has shown itself more firmly committed to preserving its own independence than Indonesia . . ."

This is a fair statement that recognizes the importance of oil-rich Indonesia to United States foreign policy and to stability within the Southeast Asia region.

But there is a shadow that all across Suharto's visit, and it is the shadow of Indonesia's conduct in East Timor. This former Portuguese colony was taken over by Indonesia in a bloody invasion during 1975, and reports that filter out from the island indicate it is still the scene of oppression and famine.

A bipartisan group of senators and representatives has urged the Indonesian government to allow international relief agencies free access to the area. It is also pressing President Reagan to open up the whole question of human rights on East Timor with President Suharto.

"We are deeply concerned," said the senators, "over the tragic situation in East Timor . . . Although events (there) have received comparatively little attention, that does not make past or present conditions . . . any less severe." The Congressmen say means should be found to convince Suharto to agree to an internationally-negotiated settlement that will guarantee Indonesia's "legitimate security interests" while providing the people of East Timor with the political rights to which they are entitled. Their position on this wrenching situation is a thoroughly reasonable one.

[From the New York Times, Oct. 9, 1982]

FORGOTTEN SORROWS IN TIMOR

Aggression forgotten is aggression rewarded. Because Britain could send a fleet to the Falklands, Argentina paid in bitter coin for its seizure of the islands. Indonesia had better luck seven years ago: it grabbed East Timor, a former Portuguese colony, and heard only token protest. The principle was the same but Indonesia's crime is nearly forgotten.

Yet not wholly forgotten. On the eve of President Reagan's meeting with Indonesia's President Suharto, a bipartisan group in Congress has asked America not to avert its eyes.

East Timor was indifferently governed from Lisbon for 400 years. Its half-million people, predominantly Catholic, were unprepared when independence was thrust

upon them. But at worst, it was a slum; now it is a wasting prison. As many as 200,000 people may have perished under Indonesia's occupation. And the denials of ill treatment remain implausible as long as Jakarta refuses both free exit to Timorese and Portuguese nationals and unimpeded entry to relief organizations.

At the very least, Indonesia's rulers have to be persuaded to open the doors to East Timor. But there is nothing persuasive about a United Nations that regularly threatens Israel for much lesser transgressions while gently chiding Indonesia for the abduction of a whole people. And it does not help for the United States to mute its protest in gratitude for Indonesia's anti-Communism.

Protesting the situation in East Timor is not just a matter of arraigning a new nation for what the old colonial powers used to do with impunity. It is a way to help the United Nations and world opinion elevate standards of conduct. What other help is available to a remote and vulnerable people when their cause dwindles to a footnote?

Creditably, though tardily, Portugal is not shrugging. Prime Minister Pinto Balsemão reminded the General Assembly last week that he still cared. He appealed for using all mechanisms of the U.N. to find a remedy. Maybe the effort would fail. So far, it hasn't really been made. ●

FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. KRAMER. Mr. Speaker, in passing the Federal Oil and Gas Royalty Management Act, the Senate has taken an important step to reduce the over \$2 billion lost annually by oil and gas producers to theft. This bill requires the Secretary of the Interior to develop site security plans and initiate new inspection and accounting procedures to insure that theft losses are brought under control. These losses are estimated by the Department of the Interior to affect as much as 3 percent of daily production in the United States.

Fortunately, American industry has already responded to the challenge offered by the goal of this legislation. Cypher Systems has developed a technological solution to the problem of monitoring inventories at remote sites in the oil and gas industry. This system, using microcomputer technology, allows the petroleum industry for the first time to measure accurately oil and other tank-stored fluids on even the most remote and widespread facilities operating from a central location—for example, company headquarters. A petroleum inventory manager using this system can instantly determine if an unauthorized removal of tank fluids is taking place. Access codes allow operators to perform only those functions assigned to them.

Over time, inventory security systems such as this will set a standard for the petroleum industry which will insure that the U.S. Government, Indian tribes, and other oil and gas owners receive the full measure of royalties and other payments due them on their leases. ●

A TRIBUTE TO DR. KEITH SMITH

HON. RONALD M. MOTT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. MOTT. Mr. Speaker, I would like to pay tribute to a man who has done much to contribute to the health of the people of my district and to the development of optomology and otolaryngology.

Dr. Keith Smith is an ear, nose, and throat specialist in Parma, Ohio, who first acquired his interest in medicine through his mother's fascinating tales of her work with Sir Harold Delf Gillies during World War I. Sir Gillies developed the pedicle type of skin graft which surgically transfers skin and subcutaneous tissue attached for nourishment.

Dr. Smith received a doctor of medicine from the University of Western Ontario in 1959. He did his internship at the Lutheran Hospital in Fort Wayne, Ind., from July 1959 to June 1960, and his residency at St. Lukes Hospital in Cleveland, Ohio, from July 1960 to June 1964.

He has contributed to medical and surgical literature with articles regarding specific techniques for surgery. He contributed to George Shambaugh's book, "The Surgery of the Ear," and the ear, nose, and throat monthly magazine, The Laryngoscope.

Dr. Smith belongs to numerous medical groups, including the American Medical Association, the Centurian Club, the American Board of Otolaryngology, the Academy of Optomology and Otolaryngology, a College of Surgeons, and the Medical Council of Canada, to name a few.

In addition, he is a member of the Royal Academy of Medicine, Aesculapians, and the Medical Arts Club. He is a Diplomat of Otolaryngology of the American College of Surgeons. He is a past president of the Otolaryngology Club, and the Council of Medical Staffs of Northeast Ohio.

His contributions to the community include serving on the safety board of the Cleveland police and advising the Lost Chord Club of Cleveland, training under Julius McCall, who was very important in developing the Laryngectomy.

Dr. Smith's involvement in these numerous organizations does not take his attentions away from his patients,

however. He has an outstanding record of treatment of 80,000 patients in his career. I hope you all will join me in honoring a man who has contributed greatly to the health of the people of the Cleveland area and to the development of the world of medicine. ●

H.R. 7352

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. ROSENTHAL. Mr. Speaker, I recently introduced the Insider Trading Sanctions Act of 1982, H.R. 7352, to strengthen the Security and Exchange Commission's civil authority to prosecute violators of the law prohibiting insider trading and to increase criminal penalties for violations of the Securities Exchange Act of 1934.

As chairman of the Commerce, Consumer, and Monetary Affairs Subcommittee of the Committee on Government Operations, I have examined a recent example of enforcement by the SEC of insider trading violations in the Santa Fe International Corp. takeover by Kuwait Petroleum Corp. Some of my views, particularly regarding the reluctance of the SEC and the Justice Department to utilize criminal penalties, and more detail on the cases arising out of the Santa Fe takeover, are expressed in the correspondence which appears below.

The material follows:

SECURITIES AND
EXCHANGE COMMISSION,

Washington, D.C., November 22, 1982.

HON. BENJAMIN S. ROSENTHAL,
Chairman, Subcommittee on Commerce,
Consumer and Monetary Affairs, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN ROSENTHAL: In your letters of October 13 and October 27, 1982, you requested, among other things, certain information concerning the relationship between the Commission and the Department of Justice with respect to criminal prosecution of insider trading cases. I requested that the Commission's Division of Enforcement prepare the enclosed memorandum in response to your request.

Your October 13 letter also stated that you will introduce and support the Commission's legislative proposal to establish a civil penalty for insider trading violations and to increase the maximum fines that may be imposed in criminal prosecutions of violations of the Securities Exchange Act of 1934. The Commission and its staff appreciate your support of, and decision to sponsor, this legislation.

Please do not hesitate to contact me again if I may be of further assistance. In addition, as I indicated in my letter of October 12, 1982, John M. Pedders, the Director of the Division of Enforcement (272-2900), is available to provide you or your staff with

additional information concerning the Commission's enforcement program.

Sincerely,

JOHN S. R. SHAD.

MEMORANDUM

To: Chairman Shad.
From: John M. Fedders, Director, Division of Enforcement.

Date: November 18, 1982.

Re: Response to Chairman Rosenthal's inquiries concerning insider trading cases.

This responds to questions asked by Chairman Benjamin S. Rosenthal in his letters to you of October 13 and 27, 1982. The letters request, among other things, certain information concerning the relationship between the Commission and the Department of Justice with respect to criminal prosecution of insider trading cases.

The October 13 letter inquired whether the Commission "has agreed, formally or informally, not to make a criminal referral in any of the settlements relating to Santa Fe or other insider trading cases since January 1, 1981 to date." We have not done so. In this regard, the Commission has a policy, 17 CFR 202.5(f), a copy of which is attached, or refusing to discuss during settlement negotiations with subjects of Commission enforcement proceedings any action that the Commission may take with respect to possible criminal prosecution.

The letter also requested the number of insider trading cases "referred by the SEC to the Justice Department within the past three years and the number of such cases prosecuted by the Justice Department." The Commission has two means of providing information to the Department of Justice. The first is the criminal "referral," which involves a formal Commission recommendation that the Department institute criminal proceedings. Such a referral requires a vote of the Commission and generally is accompanied by a detailed staff memorandum, which summarizes relevant evidence and evaluates the strengths, weaknesses, and legal theories involved in the case.

The second method used to provide information to the Department, and by far the more common, is a "grant of access" to the relevant investigative case file. This process often is initiated when senior members of the Commission's staff advise representatives of the Department of Justice of information obtained in a particular investigation. If the Department determines that the case may warrant criminal prosecution, a written request for access is made.

As the courts have recognized, this access procedure has substantial advantages. For example, the Second Circuit Court of Appeals has stated with respect to this procedure:

"Allowing early participation in the case by the United States Attorney minimizes statute of limitations problems. The more time a United States Attorney has, the easier it is for him to become familiar with the complex facts of a securities fraud case, to prepare the case, and to present it to a grand jury before expiration of the applicable statute of limitations. Earlier initiation of criminal proceedings moreover is consistent with a defendant's right to a speedy trial." *United States v. Fields*, 592 F.2d 638, 646 (2d Cir. 1978), cert. denied 442 U.S. 917 (1979); quoted with approval in *Securities and Exchange Commission v. Rubinstein*, 82 Civ. 4043 (S.D.N.Y. 1982).

The *Fields* court went on to note that the Congress had recently expressed its expecta-

tion that the close working relationship between the Department of Justice and the Commission would continue. The court declined to "interfere with this commendable example of inter-agency cooperation." *United States v. Fields*, 592 F.2d at 646.

Since October 1979, the Commission has made one "referral," to the Department of Justice, and granted access to files on thirteen occasions, with respect to insider trading cases. One grand jury indictment and conviction has resulted to date. *United States v. David H. Hall*, 80 Cr. 692 (S.D.N.Y. 1980). These figures do not reflect two criminal prosecutions of insider trading violations since October 1979 that resulted from grants of access prior to that date. *United States v. James M. Newman*, 664 F.2d 12 (C.A. 2, 1981), *United States v. Steven Nussbaum*, 81 Cr. 672 (S.D.N.Y. 1981). In addition, these figures do not reflect two criminal prosecutions of insider trading violations during the period which were referred to United States Attorneys by a private law firm and the Department of the Navy at the same time they were referred to the Commission. *United States v. Carlo M. Florentino*, 82 Cr. 450 (S.D.N.Y. 1982); *United States v. Mark C. Saunders*, 82 Cr. 157 (E.D. Va. 1982).

With respect to criminal prosecutions for violations of the federal securities laws generally, the Commission has a close and harmonious relationship with the Department of Justice and the various United States Attorneys offices. The Commission has encouraged the Attorney General and United States Attorneys to prosecute violations of the securities laws including those violations involving the prohibitions against insider trading. The total number of "referrals" and access requests increased from 38 in fiscal 1972 to 86 in 1981.

The Commission always is striving to improve its relationship with the Department of Justice and to increase the number of criminal referrals. To this end, I and my senior staff meet with representatives of the Department of Justice to discuss cases of mutual interest.

Chairman Rosenthal's letter of October 27 set forth a number of questions concerning *SEC v. Randolph, et al.*, Civil Action No. 82-5343 (filed September 30, 1982). In response, I am attaching transcripts of the hearings held before Judge Orrick in that case on October 1 and 15. At the October 15 hearing, Judge Orrick requested that the Commission respond to certain questions. I am also attaching a copy of the Commission's response to Judge Orrick's inquiries. After Chairman Rosenthal has reviewed the Commission's response to Judge Orrick's question, we would be pleased to elaborate on our responses or respond to any additional inquiries that he may have.

In the *Randolph* case, the Commission has submitted consents, undertakings and proposed final judgments of permanent injunction to Judge Orrick, which would provide for disgorgement of \$116,707.74. Although the Judge declined to sign the proposed final judgments on two occasions, we are hopeful that he will do so after reviewing the Commission's response to his inquiries. As set forth in the enclosed response to the Judge's questions, the proposed final judgments would grant the Commission virtually all of the relief that it is possible for the Commission to obtain in its civil enforcement action. I believe that on October 1 and 15 Judge Orrick was expressing many of the concerns which the Commission and its staff have in connection with the ade-

quacy of the sanctions available to deter persons from engaging in insider trading and other violations of the federal securities laws.

I appreciate Chairman Rosenthal's statement that he will introduce and support the Commission's legislative proposal to establish a civil penalty for insider trading violations, and to increase the maximum fines that may be imposed in criminal prosecutions of violations of the Securities Exchange Act of 1934 from \$10,000 to \$100,000. We in the Division firmly believe that enactment of the legislation will provide a more effective deterrent against insider trading and other securities law violations.

COMMERCE, CONSUMER, AND MONETARY AFFAIRS SUBCOMMITTEE,

Washington, D.C. October 27, 1982.

Hon. JOHN SHAD,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reference to my letter to you of October 13, 1982, regarding the SEC's investigation and litigation arising out of insider trading in Santa Fe International Corporation.

The Wall St. Journal of October 18, 1982, reports that Judge Orrick in the *Randolph* case indicated that he would not consider approving the settlement proposed by the SEC "until the full commission answered two dozen wide-ranging questions on the SEC's handling of insider cases in the past. . . ."

Please supply the subcommittee with a copy of the Judge's questions and the SEC's responses in this case. Also, please let us know the present status of the *Randolph* settlement.

Sincerely,

BENJAMIN S. ROSENTHAL,
Chairman.

JUDGE AGAIN REJECTS SANTA FE INTERNATIONAL EMPLOYEES' SETTLEMENT

SAN FRANCISCO.—A federal judge again rejected as too soft a proposed Securities and Exchange Commission settlement with two Santa Fe International Corp. employees charged with insider trading.

Judge William H. Orrick, in a hearing here Friday, said: "I am worried that an insider can trade on insider knowledge secure in the knowledge that he can flip the cookies back in the jar and only get a slap on the wrist from a friendly judge."

The judge said he wouldn't consider approving a settlement until the full commission answered two dozen wide-ranging questions on the SEC's handling of insider cases in the past that he asked SEC lawyers at the hearing. The judge told the SEC to submit the information in three weeks.

On Oct. 1, in an unusual mode, the judge refused to accept the proposed accord in which two Santa Fe employees agreed to return to shareholders alleged securities trading profits of \$116,700 to end an SEC civil suit against them.

Under the proposal, the men would have settled the charges without admitting or denying them and would have consented to a permanent court order barring them from future violations of an SEC antifraud rule.

The judge had asked the SEC why he should accept the proposed settlement. In resubmitting the proposal Friday, the SEC said the repayment of the trading profits was the maximum penalty it can win through its civil suits.

The SEC alleged that the profit was produced by buying Santa Fe international securities before the company announced last year that it was being acquired by a unit of Kuwait Petroleum Co.

Charged in the Santa Fe case, the latest in a series of SEC actions against people the agency accuses of profiting illegally from advance knowledge of merger plans, were James H. Randolph Jr. and Charles Blackard. Both are vice presidents of Santa Fe units.

At Friday's hearing, lawyers for the men wouldn't discuss the case.

The SEC has filed three other lawsuits over alleged insider trading stemming from the merger, and the investigation is "continuing and ongoing," according to SEC court filings. So far, the SEC has settled one of the suits with a consent decree similar to the one rejected by the court.

SEC court filings show that in the Santa Fe cases, the SEC has obtained preliminary orders freezing about \$7 million in proceeds from alleged insider trading and has recovered about \$300,000 in alleged illegal trading profits.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., October 26, 1982.

HON. BENJAMIN S. ROSENTHAL,
Chairman, Subcommittee on Commerce,
Consumer, and Monetary Affairs Com-
mittee on Government Operations,
Washington, D.C.

DEAR MR. CHAIRMAN: Your inquiry dated October 1, 1982, concerning the Darius N. Keaton matter has been referred to the Criminal Division for reply.

With respect to your specific request regarding whether the Securities and Exchange Commission referred the Keaton matter to the Department of Justice, the SEC has not referred this matter to the Department. However, you should know, we are working closely with the SEC regarding several allegations of insider trading in the securities of Santa Fe, resulting from the takeover of Santa Fe by Kuwait Petroleum Corporation.

We appreciate your bringing this matter to our attention.

Sincerely,

D. LOWELL JENSEN,
Assistant Attorney General,
Criminal Division.

COMMERCE, CONSUMER, AND MONE-
TARY AFFAIRS SUBCOMMITTEE,
Washington, D.C., October 13, 1982.

HON. JOHN SHAD,
Chairman, Securities and Exchange Com-
mission, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of October 12, 1982, regarding the SEC's investigation and litigation arising out of insider trading in Santa Fe International Corporation.

I understand that within the past few days, in the Randolph case in San Francisco, U.S. District Judge William Orrick refused to accept a proposed settlement similar to the Darius Keaton settlement, calling it "a slap on the wrist." Surely, the Judge understands the extent of the SEC's options, and may be suggesting that a criminal referral is necessary before he will agree to the civil settlement. I still question why a decision to refer to the Justice Department has not yet been made in the Keaton and other cases where a settlement has been accepted or proposed. If the present law limits your civil penalties, I suggest that the SEC should consider criminal referral where ap-

propriate in order to insure that the law has a deterrent effect. In this regard, please advise whether the SEC has agreed, formally or informally, not to make a criminal referral in any of the settlements relating to Santa Fe or other insider trading cases since January 1, 1981 to date. Also, please provide the number of cases of insider trading referred by the SEC to the Justice Department within the past three years and the number of such cases prosecuted by the Justice Department.

In any event, I want you to know that I agree that increased civil penalties are needed. Accordingly, I will introduce as soon as Congress reconvenes after the election, the legislative proposal the SEC has submitted to increase civil penalties for insider trading. This situation should provide ample proof of the need for such a measure.

Sincerely,

BENJAMIN S. ROSENTHAL,
Chairman.

SECURITIES AND
EXCHANGE COMMISSION,
Washington, D.C., October 12, 1982.

HON. BENJAMIN S. ROSENTHAL,
Chairman, House Committee on Commerce,
Consumer and Monetary Affairs, Sub-
committee of the Committee on Govern-
ment Operations, Rayburn House Office
Building, Washington, D.C.

DEAR CONGRESSMAN ROSENTHAL: I have your letter of October 1, 1982 concerning the Commission's investigation and litigation regarding insider trading arising out of the merger of Santa Fe International Corporation ("Santa Fe") and Kuwait Petroleum Corporation ("KPC").

Shortly after the announcement of the proposed merger of Santa Fe and KPC, the Commission initiated an extensive investigation of possible insider trading in Santa Fe securities and options. This investigation has resulted in the filing of four civil actions: (i) *Securities and Exchange Commission v. Certain Unknown Purchasers, et al.*, Civil Action No. 81 Civ. 6553 (S.D.N.Y.), (ii) *Securities and Exchange Commission v. Gary L. Martin, et al.*, Civil Action No. C-82-381 (W.D. Wash.), (iii) *Securities and Exchange Commission v. Ronald A. Feole, et al.*, Civil Action No. 82-5018-LEW (C.D. Cal.), and (iv) *Securities and Exchange Commission v. James H. Randolph, Jr., et al.*, Civil Action No. 82-5343-WHO (N.D. Cal.). In these pending actions, the Commission is seeking the disgorgement of over \$8 million in profits.

Your letter raised questions concerning the Commission's settlement with Darius Keaton, a director of Santa Fe. In the settlement, the Commission obtained all the relief that it could have obtained from Mr. Keaton at a full trial on the merits. In this respect, Mr. Keaton consented to the entry of a final judgment of permanent injunction enjoining him from further violations of the anti-fraud provisions of the Securities Exchange Act of 1934 and an order to disgorge all profits from his transactions. These are the sole remedies presently available to the Commission.

Nothing in the settlement with Mr. Keaton precludes a referral of the case to the Department of Justice. No decision has been made as to whether or not this matter should be referred, nor has the Department of Justice either requested access to our files or indicated that it does not wish to review this matter. Similarly, no decision has been made with regard to other remedies the Commission might pursue against

Ronald A. Feole or any of the other defendants in the pending actions. Our investigation indicates that Mr. Keaton is still a director of Santa Fe and Mr. Feole is still the general counsel of Santa Fe Minerals, Inc. There has been no announcement by the company to indicate otherwise.

I believe the Santa Fe cases, in general, and the Keaton case, in particular, demonstrate the Commission's determination to use all of the enforcement tools presently available to it. The Commission shares the concerns raised in your letter and has recognized the need for added deterrence in insider trading cases. In this regard, at the end of September, the Commission submitted to Congress a legislative proposal which would amend the Securities Exchange Act of 1934 to allow the Commission to seek additional sanctions against persons who violate that Act by purchasing or selling securities while in possession of material nonpublic information. The proposed legislation would allow the Commission to obtain monetary penalties of up to three times the amount of profits illegally obtained.

I would be happy to have the staff of the Division of Enforcement brief your staff on these matters and provide any relevant materials. May I suggest that your staff telephone John M. Fedders, Director of the Division of Enforcement, at 272-2900 to arrange for a meeting. You will find that Mr. Fedders will be willing to cooperate with your staff in answering its questions and discussing the Commission's enforcement program.

Sincerely,

JOHN S. R. SHAD.

COMMERCE, CONSUMER, AND MONE-
TARY AFFAIRS SUBCOMMITTEE,
Washington, D.C., October 1, 1982.

HON. JOHN SHAD,
Chairman, Securities and Exchange Com-
mission, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the Commerce, Consumer, and Monetary Affairs Subcommittee has taken an active part in oversight of the federal response to the Kuwait Petroleum Corporation's takeover of Santa Fe International Corporation, including allegations of insider trading in violation of the securities laws. I have followed with approval the SEC's activities in this and similar cases in attempting to pierce Swiss secrecy laws and by conducting what apparently is a thorough investigation of insider trading in the Santa Fe case. On October 20, 1981, SEC Commissioner John Evans testified before the subcommittee concerning the SEC's investigation. He outlined the various remedies available to the Commission, including referral to the Justice Department for possible criminal prosecution in appropriate cases; he discussed problems resulting from the use of secret numbered foreign accounts; and he assured the subcommittee repeatedly of the high importance and sense of urgency given to prosecution of insider trading.

In light of this testimony and other subsequent statements by you and other SEC officials of the importance of pursuing insider trading cases with vigor, I am surprised to learn of a recent development in the Santa Fe case which appears to demonstrate a milder prosecutorial stance. In this instance, a director of Santa Fe, Darius N. Keaton, who is charged with using inside information, was permitted to "settle" the matter by repaying the \$278,750 profit he made on the illegal trading. As far as I know, no further penalty has been imposed. Surely, the

deterrent effect of the law is vitiated if a director or officer who had access to inside information is permitted to walk away from an insider charge without any penalty whatsoever except the repayment of an illegal profit. I find it ironic that the SEC is presently asking Congress to increase penalties against insider trading but apparently is not willing to use the ample prosecutorial options it presently has.

In light of this situation, I would appreciate responses to the following by October 18, 1982.

1. Supply a status report on the investigation of insider trading in Santa Fe stock and options.

a. What cases have been brought?

b. What cases are pending?

c. What direction will the investigation take?

2. On what basis was the decision made not to pursue criminal remedies in the Darisu N. Keaton situation?

a. Was the case referred to the Justice Department for criminal prosecution? What was Justice's response?

b. Supply copies of documents relating to the decision to accept Mr. Keaton's repayment instead of pursuing criminal remedies.

c. State whether the Commission made a decision regarding criminal prosecution. If so, supply copies of the minutes of the meeting at which the decision was made and all staff documents prepared in connection therewith.

d. If the matter was referred to Justice and prosecution was declined, supply copies of any document stating the Department of Justice's reasons for declining prosecution.

3. Will other remedies be pursued in the case of Ronald A. Feole, the general counsel of Santa Fe Mineral, Inc., and others related to him, who are allegedly involved in additional insider cases?

4. Are Keaton and Feole still employed by Santa Fe International?

Sincerely,

BENJAMIN S. ROSENTHAL,
Chairman.

COMMERCE, CONSUMER, AND MONETARY AFFAIRS SUBCOMMITTEE,
Washington, D.C., October 1, 1982.

HON. WILLIAM FRENCH SMITH,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Enclosed is a copy of a letter I have sent today to the Chairman of the Securities and Exchange Commission regarding a case of insider trading and the SEC's possible failure to refer the matter to the Justice Department for prosecution. I recently wrote to you about another matter involving prosecution of banking law violations referred to the Department of Justice by the Office of the Comptroller of the Currency. I expressed my concern about whether the Justice Department is devoting sufficient resources to white collar crime. In this connection, I enclose an article from the Wall Street Journal of September 28, 1981, entitled, "Reagan Team Plans to Slash Efforts to Catch White-Collar Criminals."

I am writing now to determine whether the Darisu N. Keaton case was or was not referred to the Department of Justice by the Securities and Exchange Commission. If it was, why did Justice decide not to prosecute?

I would appreciate a reply by October 18, 1982.

Sincerely,

BENJAMIN S. ROSENTHAL,
Chairman.●

A TRIBUTE TO MR. GEORGE KELL

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. BLANCHARD. Mr. Speaker, several of our Michigan State legislators, including Senators Miller, Faust, Ross, Hart, and Hertel, have offered a resolution encouraging the Baseball Hall of Fame Committee on Baseball Veterans to induct Mr. George Kell into the National Baseball Hall of Fame. It is with great pleasure that I join this effort.

Mr. Kell, who is already a member of the Michigan Sports Hall of Fame and had been named the Detroit Tigers' all-time greatest third baseman, has had a long and distinguished career, both as a baseball player and later as a gifted sportscaster. Mr. Kell's talents as a ballplayer were perhaps best displayed from 1946 to 1952, when he became known as an outstanding third baseman for the Detroit Tigers. An injury later in George Kell's career led him to retire from playing baseball, but fortunately not from the sport itself.

Since 1954, Mr. Kell has been the sportscaster for the Detroit Tigers and has enhanced Tiger games with his witty and knowledgeable reportage. Mr. Chairman, I hope that the Baseball Hall of Fame Committee on Baseball Veterans will consider Mr. Kell's exceptional career both on and off the field and will induct him into the Baseball Hall of Fame.●

A SALUTE TO HARRIS STOWE COLLEGE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. CLAY. Mr. Speaker, recognition is extended all too seldom to America's institutions and the people connected with them who quietly serve their country but whose contributions are nonetheless of far-reaching importance.

I would like to call to the attention of my colleagues an article which deals with an historical perspective of an educational institution in my district, Harris Stowe State College, a St. Louis teacher-training institution now celebrating its 125th anniversary.

Harris Stowe State College has graduated many courageous and extraordinary teachers who have demonstrated in the face of great adversity and opposition a caring and commitment to education. The graduates of Harris Stowe State College have rendered significant and superior service to this

Nation's most precious resource: its children and youths.

Public institutions like Harris Stowe State College should be praised, supported and preserved. Rather than have this happen, the current administration has not seen fit to continue support for such institutions of higher education based on the devastating cutbacks in funding which has adversely affected institutions of higher education.

Therefore, I applaud the 125 years of teaching teachers for Harris Stowe State College. I applaud Dr. Henry Givens, Jr., the current president of Harris Stowe for his stamina, determination, and superior academic leadership because of his imperishable belief that a "mind is a terrible thing to waste."

This State college throughout its 125 years has made an invaluable contribution to the St. Louis community as well as throughout the State of Missouri.

Mr. Speaker, it is with great pride that I bring this article which appeared in the St. Louis Globe-Democrat on November 21, 1982, to the attention of my colleagues:

(From the St. Louis Globe-Democrat, Nov. 21, 1982)

125 YEARS OF TEACHING TEACHERS: "NEW" PROBLEMS ARE ONES COLLEGE HAS SEEN BEFORE

(By Charles E. Burgess)

A 5 percent cut in state aid and an enrollment drop were sobering developments to Harris-Stowe State College, the St. Louis teacher-training institution now celebrating its 125th anniversary.

Harris-Stowe President Henry Givens Jr. remains optimistic about the college's future, although he admits "the cuts put us under tremendous pressure to find ways to carry on programs."

Financial stress has been a relative constant for the institution since its establishment in 1857. It was designed as an arm of the St. Louis public school system to alleviate a shortage of teachers as the population swelled.

In 1862, Superintendent Ira Divoll noted "the rebellion (Civil War) had deprived us of all state aid and had reduced our other revenue by about one-half."

One consequence was that enrollment in the "St. Louis Normal School"—the fledgling teacher-training program—fell from 80 to 38. The sole instructor, Richard Edwards, not only saw his salary cut from \$2,500 to \$1,500 annually, but he was also required to serve double duty as principal of the system's one high school.

Givens attributes this fall's enrollment drop to 1,072 from last fall's 1,241 to problems students have in getting financial aid and pessimism about job openings in teaching.

Another possible factor was that Harris-Stowe raised the grade-point average students need for certification as teachers and toughened its admissions standards. "Our students must be able to compete as elementary instructors throughout the nation," Givens explained.

The teacher training program faced a similar situation in 1882, as reported by the superintendent then, Edward Long:

"Of late, the number of admissions to the Normal School has been very small as compared with that of former years. It is believed by some that the high standard for admission has been the chief cause . . . It is more probable that the almost certain delay of three or four years after graduation before receiving an appointment has been the main cause."

While Harris-Stowe held a series of events to commemorate the 125th year in the summer and the early fall, some good financial news did arrive.

Voter approval of a \$600 million state bond issue will probably mean more renovation and modernization of the college building at 3026 Laclede Ave., said S. Stanley Dalen, vice president for finance.

In the first two years after 1979, when Harris-Stowe became a state institution independent of St. Louis Public Schools, nearly \$1.4 million in state aid was granted to upgrade the 55-year-old structure. But a state budget crunch reduced the allocation to only \$109,300 in 1981.

As a result, most of a \$15.7 million "master plan" developed by Givens, his staff and the Board of Regents will remain on the shelf.

But much has been done in the first three years of autonomous operation. Most science labs have been renovated. The toilets, student lounges and cafeteria have been refurbished. Key classrooms have been air-conditioned for summer sessions. And a new elevator allows almost all handicapped people access to the four-story building, Dalen said.

The once-inadequate library now contains files of 300 periodicals and 70,000 books, says head librarian Julia Broad, who graduated from Harris in 1941.

There's a sense of permanence now about the institution, she said—something it seldom had despite its 125 years.

The Normal School shared space in many buildings before getting its own in 1905 at 1517 S. Theresa Ave. That building now houses the school system's instructional division offices. There was a move in 1948 to 5351 Enright Ave., now the Classical Junior Academy. And in 1963, the school settled in its present site, formerly Vashon High School.

For the first time in 125 years, Harris-Stowe is offering another degree besides elementary education, with its specialization.

In 1984, the first bachelor degrees in urban education will be awarded. About 75 juniors are in the program, aimed at providing school systems with expertise for which they now must hire expensive consultants.

In financially pinched times, the staff has been remarkably supportive, Givens said. To preserve full-timers from layoffs after state aid cuts this year and last, faculty members—including Givens and other teaching-certified administrators—took on an additional three-hour teaching load.

"I would match this faculty for dedication and ability with any in the area. That's why I have stayed as long as I have," said a 35-year veteran of the staff, A. Samuel Oliveri, professor of psychology.

Givens has headed Harris-Stowe since it was severed from the city school system. The 49-year-old educator is former assistant commissioner for urban education and teacher training in the Missouri Department of Education.

Givens' predictions for the school's success are based on the probable shortage of

teachers by mid-decade, already evident in such specialized fields as science, math, industrial arts, home economics and music.

Under his direction, Harris-Stowe has emphasized these disciplines. Evening and Saturday classes allow working teachers to increase their certification range, thus improving their job chances. The average age of students is 27.

"It's giving me what I want. I went to a community college for a year, and wasn't satisfied, but here I feel like I'm getting really good preparation," said senior Wally Rutherford, 27, who works full-time as a convention coordinator at the Chase-Park Plaza Hotel.

Givens' links with the school date from the early 1940s, although he attended Lincoln University in Jefferson City. "At the time I wanted to be an engineer, but my brother and sister went to Stowe Teachers College."

The sister, Armetta Whitmore, was on Harris-Stowe's staff before Givens was hired, and now directs special academic programs there.

Before 1954, the St. Louis school system maintained separate teacher training institutions—Harris Teachers College for whites, Stowe for blacks.

The Normal School for whites was renamed in 1910 to honor William Torrey Harris, an innovative St. Louis superintendent from 1868 to 1880, who later was U.S. commissioner of education. Stowe's name honored Harriet Beecher Stowe, whose novel "Uncle Tom's Cabin" strongly influenced anti-slavery movements.

The program to train teachers for black schools was authorized by the legislature in 1875, but did not begin until 15 years later—as a branch of Sumner High School. Stowe was housed in cramped space in Sumner or Simmons School until 1940, when it got its own building, now Turner Middle School.

In 1948, a Stowe student, Marjorie Toliver, filed suit seeking admission to Harris on grounds that Stowe was inferior and "did not offer equal educational opportunity." Missouri's Supreme Court rejected her argument two years later.

But in 1954 U.S. Supreme Court decision barring student separation by race meant closing for Stowe and the end "of an era of humiliation, disgrace and suppression" for blacks in public education. That statement was made by Ruth Harris, Stowe president for 14 years before integration, in her history of the institution.

Harris-Stowe's enrollment is now about 70 percent black, 30 percent white.

Pictures in old yearbooks of Harris and Stowe are vivid evidence of other changes. Because men weren't permitted to teach in elementary schools in St. Louis until 1940, they weren't admitted to the two colleges.

The 125th anniversary yearbook contains a section of pictures of children of students. Before 1948 in St. Louis, female teachers who got married were fired and lost their pension rights, and female teacher-college students who married were expelled.●

TROND SKRAMSTAD

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mrs. BYRON. Mr. Speaker, Mount St. Mary's College, a small school of

1,400 located in my congressional district in Emmitsburg, Md., has been producing track and field champions with amazing frequency. In fact, it now appears possible that as many as five Mount students or graduates will be representing their respective countries at the 23d Olympic games. The summer Olympics return to the United States for the first time in 50 years when Los Angeles plays host in 1984.

Most recently, the accomplishments of Trond Skramstad have highlighted Mount St. Mary's efforts. Trond won the 1982 NCAA Division I title in the grueling decathlon. The decathlon requires a remarkably talented, versatile, and determined competitor, as it consists of 10 separate track and field events over a 2-day period. The winner of the Olympic event is widely regarded as the "World's Greatest Athlete."

Trond's national victory came a mere 5 days after he captured the Division II national title. His score of 7,860 points is the leading collegiate effort thus far this year and represents a personal, stadium, meet, and Norwegian national record. In addition, Trond was the only NCAA track and field champion to represent a school from the east coast. Not only is he an outstanding athlete, but the 20-year-old native of Konesburg, Norway, is also an honors student majoring in business and finance.

I welcome this opportunity to praise the efforts of this fine young man and Mount St. Mary's College, and I am certain that we all look forward to the Olympic games and all they represent.●

THE NATION EMERGES FROM 25 DARK YEARS WITH TOO FEW FROGS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. McCLOSKEY. Mr. Speaker, in the last hectic days of the 97th Congress, with most of us in deep dismay over the Nation's continuing economic decline and our clear inability in Congress to do anything about our deficit and unemployment woes, it is a pleasant, if only momentary relief to find some hope in a front-page article which ran in the Wall Street Journal last Tuesday, December 7.

The article, written by James P. Sterba, describes a little-known but highly significant success of the Reagan administration's "Stay-the-Course" economic game plan coupled with its sometimes misunderstood efforts for the protection of endangered species.

Mr. Sterba points out the astounding fact that for the first time in 25

years the Nation's frog population is again increasing. What Mr. Sterba does not mention is that a single individual on the Reagan White House staff, operating effectively and in near secrecy, was able to accomplish this incredible turn around in a period of a little less than 18 months.

That individual is none other than Nestle J. Frobish of Lyndonville, Vt., a conservative Republican who has devoted most of his life to seeking protection and fairness for frogs. Mr. Frobish, from 1974 to 1980, deluged Members of Congress and the national media with impassioned warnings that declining habitat and other problems were bringing the U.S. frog population to a dangerously low level. His 1977 book, "Fair Play for Frogs," coauthored with our former colleague, Jerome Waldie, electrified the small but powerfully placed frog-loving community, most of whom are born-again Christians and members of the National Rifle Association like Frobish himself. While Frobish's views found little support in either the Ford or Carter administrations, his conservative—some say antediluvian—views on economic and social issues earned him a position high in the Reagan White House domestic establishment in early 1981.

Within a short time Frobish, working with his close friend, OMB deregulation director, Chris De Muth, was able to abolish several previously ineffective Federal frog programs while at the same time obtaining the President's commitment to a major new frog propagation effort. The frog population had declined in the last quarter of a century because, as Mr. Sterba points out, frogs, like Presidents, when placed in close quarters, rarely copulate.

Frobish conceived a brilliant solution: unlimited space through use of the Space Shuttle. As a result, in 1985, the Nation's TV viewers will have the chance to watch, in living color, the first space mating of frogs, presumably one from Frobish's beloved home pond in northern Vermont and one from the famous Sacramento Delta country which has sent both Ronald Reagan and Jerome Waldie to serve in this city with such distinction.

Those of Mr. Frobish's friends who may want to send him their congratulations can reach him at the Worldwide Fairplay for Frogs Committee headquarters, Box 94, Lyndonville, Vt., 05851. Once, the future of frogs was assured, Frobish left the White House, as surreptitiously as he had come.

It is unfortunate that Mr. Sterba failed to assign appropriate credit to Mr. Frobish in his Wall Street Journal article, but then again Mr. Frobish would probably never have been able to accomplish his spectacular achievement had the world, or even President Reagan, been aware of how he was

spending his time on the White House payroll.

The Wall Street Journal article follows:

THE NATION EMERGES FROM 25 DARK YEARS WITH TOO FEW FROGS

MANY NOW MERCIFULLY ESCAPE DISSECTION BY SCHOOLBOYS; THE ORBITING FROG GOTOLITH
(By James P. Sterba)

America's long national frog shortage is over.

Twenty-five years after the Russians caused it, the Reagan administration has quietly but firmly put an end to it. For the first time since Sputnik, U.S. demand for frogs no longer outstrips supplies.

Reaganomics, the recession, and cuts in federal funds for science education have combined to make it a little easier being green.

"We have plenty now," says Roger Griedl, a Wisconsin frog merchant who has monitored the batrachian market's ups and downs for 30 years. "Demand is way down. There's not a lot of money out there these days to spend on frogs."

Although this may be good news down in the swamps, frog-supply companies are distressed and science educators worried. A nation that skimps on frogs today, they assert, will not lead the world in science tomorrow.

COSMIC PROBLEM

While it continued, the frog shortage touched the lives of millions of Americans. But for those who managed to pass the last quarter-century oblivious of the quandary, some background:

Sputnik started it.

Sputnik was the earth's first artificial satellite, and when the Soviets lofted it on Oct. 4, 1957, the U.S. got scared. President Eisenhower launched a national campaign to beat the Russians in science. Declaring that science education was a matter of national security, he signed the National Defense Education Act in 1958, thereby circumventing opponents of federal aid to education. Federal dollars, including \$50 million to \$80 million annually for laboratory supplies, began to rain on high schools and universities. And what did these schools buy?

Frogs, by the millions. (They also bought textbooks, teacher training, student fellowships and lab equipment.) Pretty soon, virtually every student in every biology class in the nation got to take a frog apart.

"Those were the good old days," says Mr. Griedl, who is biology division operations manager of a frog-supply company called Nasco, a Ft. Atkinson, Wis., subsidiary of Geneve Corp. "Gosh, after Sputnik every kid got his own frog."

Why frogs? Because taking them apart is a lot more exciting than looking at textbooks, says Roberta Hill, a biology teacher at Cyprus Lake High School in Ft. Myers, Fla. "It's an attention getter, a hands-on enrichment experience." She says lab work in comparative anatomy starts with taking apart a worm. Dissecting a frog is the culmination.

The idea was to lure students into science careers, using frogs as carrots.

A victory of sorts over Moscow came 12 years after Sputnik when Neil Armstrong set foot on the moon. In calling it a "giant leap for mankind," however, he obviously wasn't telling the whole story. Suppliers estimate that more than 100 million frogs gave their lives in the interim on behalf of U.S. science prowess, although no one is

sure how many students they inspired to join the space program.

Some were repulsed. By the late 1960s, student conscientious objection to killing frogs for dissection was on the upswing. Frogs aren't covered by the Animal Welfare Act of 1966, which required humane treatment of warm-blooded research animals and birds. "Frogs aren't warm-blooded, so I guess nobody cared," says Dorothy Greenhouse, staff officer of the Institute of Laboratory Animal Research in Washington.

Frogs played a more direct role in the space program too. On Nov. 9, 1970, two bullfrogs were shot into space in an O.F.O.; or orbiting frog otolith, to test reactions of their inner-ear balancing sensors to weightlessness. The air ran out. A second frog mission, aboard the space shuttle, is scheduled for 1985.

The frog business boom turned tiny biological-supply companies into bio-giants. Business at Carolina Biological Supply doubled the year after Sputnik, say company sources. Carolina is privately owned and declines to discuss growth and income. Its current 944-page catalog, however, lists 143 sizes and species of live and preserved frogs and toads, ranging from a 69-cent pickled leopard frog to an \$11.40 giant bullfrog specially preserved in non-odoriferous fluid and injected with color-coded latex. (Cable address: Squid, Burlington, N.C.)

But through the '60s and most of the '70s, the supply houses couldn't get enough frogs to fill orders. Frog catchers, in the mold of pioneer fur trappers, died out or got dry-foot jobs. Swamps were drained. Frog habitats were poisoned by herbicides and pesticides.

Competition from the bio-supply firms wreaked havoc in the frog-leg trade. Restaurants buying only legs didn't want to pay what the supply companies were offering for the whole frog. So they turned to frozen imports from India.

DIRTY POOL

Unfortunately, frog facilities in India are not exactly models of sanitation. Vigilant Food and Drug Administration inspectors were rejecting 85% of the shipments in the early '70s because they were contaminated by salmonella. Unscrupulous traders flogged rejected frog legs off on other countries. Sometimes they took tainted legs out to sea, reboxed them aboard ship, and tried to slip them back into the U.S.

Indian exporters, who tend to see frog-leg consumption as symptomatic of barbaric Western appetites, did not stand idly by while their reputations were besmirched. The Indian government invited Clifford Shane, then the FDA's top New York regional inspector, to tour their frog facilities. He recommended chlorine. Many posh restaurants, however, felt the chlorine made frogs' legs rubbery, and excised them from their menus.

Chlorine or no, thousands of dollars worth of frog legs are rejected monthly by FDA inspectors. Smuggling persists, and grand juries are convened with some regularity to probe nefarious frog dealings.

While the imports have sated the frog-meat market, frog demand in the science sector has fallen victim to the recession, shrinking school budgets and dwindling federal and state aid. "We used to be able to afford one frog for every two students," says Mrs. Hill in Ft. Myers. "Now it's four students per specimen. They don't get enough direct contact. I have 160 students this year and only \$100 to spend on all lab supplies,

including frogs. So we buy the smallest and cheapest."

DRYING UP

Mr. Griedl's company, Nasco, sold about 75,000 live frogs yearly in the early '70s. "We're down to less than half that now," he says.

That's symptomatic of a gross neglect in science education, according to Bill Aldridge, executive director of the 40,000-member National Science Teachers Association. Just when students are getting interested in science because there are lots of jobs in scientific fields, schools have neither enough money for frogs nor enough teachers who can dissect them.

George W. Nace, professor of biology at the University of Michigan, remains hopeful that the frog market will rebound. He notes that there are 331,600 life-science and biology classes this year in junior and senior high schools around the country. Averaging 20 students per class, that's 7,295,200 students. Even at one frog per four students, that's a market for 1,823,800 frogs.

Mr. Nace knows this because he spent the last quarter-century trying to overcome the national frog shortage. The answer, it would seem, is frog farming. But frogs are not easily farmed. Put too many together, and diseases can wipe them out. That's what happened to a hopeful bullfrog-raising venture at the mouth of the Amazon in Brazil last year.

SET IN THEIR WAYS

Moreover, in close quarters, frogs, like most people, will not copulate. They need space and privacy. They are also cannibalistic, capable of munching tadpole kin without remorse. Most perplexing to would-be frog ranchers, however, are frogs' finicky eating habits. They only eat live protein, such as insects and crayfish.

Federal research grants, ranging from \$75,000 to \$125,000 annually since 1964, have helped Mr. Nace solve many of these problems in northern leopard frogs (*Rana pipiens*), the most commonly dissected and researched species. He has perfected sanitary, indoor habitats (frogs must be comfortable, he says). He can stimulate females to ovulate, then artificially fertilize the eggs.

Ironically, Mr. Nace's federal research money ran out last month, and the University of Michigan is tearing down the Ann Arbor building holding his lab at the very moment Mr. Nace thinks he has achieved a breakthrough in leopard frog feeding, the final hurdle. So he's forming a private company (called the Amphibian Facility) and moving his entire operation into an abandoned Kroger food store near Ypsilanti. So far, he notes, venture capitalists have not been knocking down its door.

WHAT ABOUT THE CHILDREN?

Nevertheless, Mr. Nace says he's pressing on for the good of the nation.

"It started before Reagan, but now I think this country is in bad trouble technologically, and that starts with kids not knowing how animals are put together," he explains. "With fewer kids growing up on farms, they don't see chickens killed for the table."

"I call this the Bambi syndrome," he goes on. "The only thing they know of animals is from Walt Disney films. It's just my pop psychology, but I think their distance from daily life and death makes them see violence as an abstract concept. You kill a frog and get in there and touch his legs, you realize there are nerves in there and feelings."

Mr. Nace continues to get a little money from NASA to plan the 1985 frog shuttle

mission to see how frog eggs divide without gravity. In the meantime, he plans to patent his feeding breakthrough. He remains cryptic about this. All he will say is that he has a device that fools frogs into thinking the protein pellets in front of them are alive and, thus, are good to eat.●

INCREASING THE GAS TAX

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. ROYBAL. Mr. Speaker, in spite of my deep concern about this country's deteriorating infrastructure, I found it necessary to vote against a 5-cent increase in the gasoline tax.

I certainly do not argue with the need for increased funds for transportation and public works projects. Our Interstate Highway System, as well as State and local roads, are badly in need of substantial repairs, while thousands of bridges all over the country are considered unsafe. Urban rail and bus transit capital investment needs will total nearly \$50 billion over the next 10 years, and this does not even allow for expansion. However, as badly as we need the extra funds, I cannot justify renovating and rebuilding our transportation system on the backs of the poor.

This gas tax is regressive—it falls most heavily on low- and middle-income wage earners. The result? These people will have to devote a much larger proportion of their incomes to transportation needs—money that will certainly be diverted from other necessities such as food and health care—money that is already inadequate to meet the basic needs of so many Americans.

It comes as no surprise that this tax is the funding method that was chosen. Fair and workable alternatives were suggested, such as capping next year's tax cut and funding the transportation programs out of the increased revenues, but they fell by the wayside as has happened so often since this administration took office. The administration has tried to balance the budget on the backs of the poor. That has been a dismal failure. Deficits have skyrocketed, while the quality of life for millions of Americans has been severely compromised and the promised economic recovery is still nowhere in sight. I did not support these actions when we were called upon to consider them earlier in this Congress, and I see no reason to support a measure which continues in the same vein.

Let me reiterate that I do recognize the need for increased transportation funding, but not at the expense of those very Americans who have already been asked to sacrifice so much.●

THE LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. FIELDS. Mr. Speaker, I enter into the RECORD an article that should be of high interest to anyone supportive of scientific advance and discovery toward an improved life for all of our citizens.

As the article points out, the vast and rich mineral wealth of the ocean floor holds incomprehensible hope and promise for our civilization. Once the appropriate technologies are refined for mineral recovery and processing, we will enjoy greater national security and increased living standards for our people and any other nation wishing to participate.

Mr. Speaker, this is one of the reasons we must avoid the socialistically conceived U.N. Law of the Sea Treaty. Such a scheme would be foreclosing hope and promise for us and all other nations. As Conrad Welling states in the article, we have really only begun to understand and discover the geology of the sea bottom.

Our ability to explore and utilize the vast resources of the oceans and our solar system must not be curtailed in its progress. Principles and schemes such as those embodied in the Law of the Sea Treaty and the Moon Treaty serve only to close up the future, and drive the world back toward a dark age. There are few other issues before us today that demand of us as much far-reaching vision and concern for scores of generations unborn.

NEPTUNE'S FORGE

(By Charles Petit)

For one glittering Mediterranean civilization after another, generations of miners on Cyprus have dragged from the Troodos Massif a steady stream of copper sulfide ore. The beginnings of the Troodos mines already were lost in legend where overseers from Imperial Rome sent slaves into unventilated, hellish galleries burrowed beneath the island's rocky surface. But the eerie, labyrinthine corridors of these ancient mines are not as strange as the places where similar deposits are now being created.

In the past six years, explorers have discovered minerals forming in a geological pageant of lava lakes, volcanic cones, and hot springs shimmering in the spotlights of deep-sea research submarines. The deposits are born alongside communities of giant clams, eight-foot-long tube worms, and ghostly white crabs residing in the hydrothermal warmth of areas 8,000 feet and more under the ocean's surface, where new sea floor erupts from the molten mantle below. The discovery helps answer one of the most practical of geological questions: Where do minerals come from?

The minerals, known as polymetallic sulfides, are combinations of sulfur and metals, primarily iron, copper, zinc, manganese, cobalt, lead, and vanadium. Although deep-sea exploration has barely begun, the fact

that they are found along portions of rift zones—ocean floor spreading centers—suggests that many more deposits may lie exposed on the ocean floor, for the planet is girdled by some 40,000 miles of spreading centers.

"To dive on one of these hydrothermal sites," says geophysicist, Peter Rona of the National Oceanic and Atmospheric Administration, "is really the fulfillment of a geologist's dream to actually see mineral deposits in the process of formation."

The discovery of large quantities of minerals on the sea floor followed a sequence of tantalizing clues and individual finds spanning most of the 1970s and early 1980s, including a dive in August 1981 by the research submersible *Alvin*. Alexander Malahoff, chief scientist for the National Ocean Survey, a part of NOAA, was aboard the three-person craft as it groped slowly along the Galápagos Rift, more than 8,000 feet below the eastern Pacific in water 250 times the atmospheric pressure at the surface.

Suddenly, recalls Malahoff, ahead of the *Alvin* loomed "this metallic cliff, all covered with dead chimneys and towers." In the foreground lay a lumpy, yellow-and-orange expanse with huge but now dead communities of giant clams cloaking its margin. The hot springs at this spot had faded out, no one knows how long ago. But they left a tremendous deposit of sulfides. Malahoff thinks it might contain 25 million tons of copper and zinc, an amount that surpasses the legendary lode of Troodos. *Alvin* measured that single deposit to be at least 115 feet high, about 650 feet wide, and about .6 of a mile long.

Another explorer of the hydrothermal vents is John B. Corliss at Oregon State University. When he was completing studies at Scripps Institution of Oceanography in 1971, the concept of plate tectonics was still newly minted. Puzzles of continental geology were eagerly analyzed with an eye to mid-ocean ridges where new sea floor spreads, subduction zones where it dives back into the mantle, and regions where sections of sea floor jam up along the margins of drifting continents. Among the puzzles was the origin of essentially pure bodies of polymetallic sulfides, not limited to the best known deposit on Cyprus but found scattered throughout the world in island arcs and along continental margins.

By the early 1970s, "people were definitely thinking of these sulfides as the result of hydrothermal solutions," says Corliss, "but they were only beginning to say these were formed on the sea bottom." The central idea was that superhot water leached metals from rising magma and concentrated them near the Earth's surface, but no one knew exactly how and where it happened and where the hot water came from.

"It was a classic geologic problem," Corliss continues. "How do you get sulfides from an aqueous solution?" The difficulty was that sulfides do not dissolve particularly well, yet the metals appear to be precipitated from the salt water.

Soon, however, laboratory tests showed that the metals will dissolve in very hot salt water. Temperatures of 600 degrees Fahrenheit or more are needed, and extreme pressure must be exerted on the water to prevent it from flashing into steam. Under such conditions, the dissolved metals combine with sulfur from the seawater. When the water cools, the metallic sulfides precipitate out.

In the mid-1960s, exploration of the Red Sea—an infant spreading center—revealed

mineral deposits and hot springs on its floor. No one knew then whether these springs and deposits were only short-term features of newly formed centers, where spreading rates are comparatively slow. But the deposits fueled curiosity about the mature rift systems that lace the ocean floor.

By 1977 most of the picture had been put together, in theory. That year in his book "Tales of an Old Ocean: Exploring the Deep Sea World," Stanford marine geologist Tjeerd van Andel with others in the field speculated that cold seawater percolates down through fissure in spreading centers nearly to the 2,000-degree-Fahrenheit magma a mile below, leaches out metal-rich sulfides, then rises again, leaving the sulfides in concentrated deposits as it cools. So far, so good, but few experts then expected the deposits to extend right up to the ocean floor. The process, van Andel wrote, could not be confirmed "because there are no practical means for penetrating into the oceanic crust to locate the ore bodies."

It was then that exploration began in earnest in the eastern Pacific, which contains mature spreading centers where plates are shouldered apart relatively quickly. Spreading rates on the East Pacific Rise, Galápagos Rift, and elsewhere range from 2½ inches to as much as 10 inches per year. The discoveries that followed over the next three years forced van Andel to revise his book with a new final chapter describing the "great good fortune to stumble on something wholly unexpected and exciting."

In a historic 1977 expedition to the Galápagos Rift, John Corliss, with marine scientists Richard von Herzen and Robert Ballard of Woods Hole Oceanographic Institute, took *Alvin* down more than 8,000 feet, where temperatures average a frigid 35 degrees Fahrenheit. There they found strange vents from which poured relatively balmy (about 52 degrees) water. Though no sulfides were seen, this expedition introduced to science the first of the sensational hydrothermal communities of huge clams, crabs, giant tube worms, and chemical-eating bacteria.

The next year a French, Mexican, and American team aboard the French submersible *Cyana* extended exploration to include the East Pacific Rise at a spot called 21° North, after its latitude off the tip of Baja, California. It was here that the team found the first deposits of polymetallic sulfides. One sample was almost pure sphalerite, a mineral 50 to 60 percent zinc by weight.

In 1979 *Alvin* was back at 21° North where Bill Normark, of the U.S. Geological Survey office in Menlo Park, California, and others were confronted with a sight from the devil's own workshop: the first of what are now known as black smokers. They saw a tall, chimney-like vent belching a rolling plume of black fluid. The "smoke" turned out to be suspended iron sulfide. Soon other smokers were found.

"We knocked half the top off a two-meter smoker chimney," Normark remembers, "and used the robot arm to stick a temperature probe in." The meter in the cramped little sub read 32.768 degree Centigrade, about 90 degrees Fahrenheit. This was the hottest hydrothermal vent ever measured. "We were pretty excited," he said, "then the guys on board ship radioed down and told us it was off the scale. The thing just wouldn't read any higher than 32.768 degrees."

After a short consultation, the group on the sub shoved the probe back into the broken vent and left it for awhile. The plas-

tic began to melt. Later, at the surface, they found it blackened. A handbook check revealed it would not char unless the temperature was some 650 degrees Fahrenheit.

The nature of water at 650 degrees and 250 times the surface pressure is hardly that of ordinary water. Its buoyancy is astounding. At such pressures water cannot boil; it just expands with temperature. Cold water at the sea floor has a density of about one gram per cubic centimeter. But at 650 degrees, expansion has cut its density almost in half. At 1,100 degrees, a temperature that could be reached around a magma chamber, density drops to about .1 of a gram. Such superheated fluids rise with incredible speed through denser surroundings, bursting through the Earth's crust into the cold sea.

Geochemist John Edmond at the Massachusetts Institute of Technology, one of the many scientists still rocked by the swiftness of ocean floor discovery, knew immediately the implication of such hot water billowing directly into the cold, quenching sea. Such vents could easily carry large quantities of minerals that would then be precipitated from cooling water. "They (the vents and passages feeding them) clearly are the process that produces the sulfide deposits of places like Cyprus. What you have on the continents are samples of sea floor, jammed up by plate tectonics, left over from spreading centers."

In the wake of such discoveries, Malahoff's find of the huge polymetallic sulfide lode in the Galápagos Rift in 1981 was no accident. It was actually about 700 yards from the Galápagos spreading center, along a fault in the pillow basalts, rocks formed from cooled lava that pave the ocean floor near spreading centers. Malahoff thinks the sulfides formed right there by hot brines diverted to the fault from the central rift plumbing system. Most other researchers feel the lode was encrusted along the rift thousands of years ago and was then slowly carried, conveyor-belt fashion, by the spreading sea floor to its present location.

Whichever assessment is correct, the fact is that since then many other deposits have been found. Later in 1981, deep tow instruments and dredges found evidence of metallic sulfides and vent fields in the Juan de Fuca Rift off the coast of Washington. And last year, on the East Pacific Rise at 12 degrees north latitude, a French team found a truly enormous hydrothermal field, accompanied by massive sulfide deposits, that stretches for five miles and is dotted the whole length with black smokers.

It appears that surface deposits of sulfides form mainly in older, vigorous spreading centers splitting the sea floor at three inches or more a year. But minerals are probably forming in slower spreading centers as well, only beneath the sea floor. Last fall, a dive in the Atlantic led by Peter Rona revealed the largest find of exposed manganese on a slow spreading center, about 1,000 miles east of Miami and some 10,000 feet deep. Beneath the manganese, one of the last minerals to precipitate out of a hydrothermal solution, there may be metallic sulfides that were deposited earlier from cooling brines.

When they do form, polymetallic sulfide deposits probably appear almost instantaneously by geological standards. Single deposits may build up in decades to a few hundred years, to be carried away from the rift by the spreading sea floor. During the height of activity, it is estimated that many thousands of tons may be added to a deposit each year, raising the prospect of layer after

layer of deposits, older ones buried under sediment, being carried away from spreading centers to eventually be subducted back into the mantle or, occasionally, uplifted and incorporated in islands and continents.

Normark at the USGS sees one guaranteed payoff to the discoveries. "Slabs [of sea floor] are now in the continents. So, if we understand how they are formed on the sea floor, we'll know better how to prosper on land."

Malahoff is enthusiastic about mining the deposits directly, but others are not so sure. John Edmond at MIT thinks direct mining prospects are remote. While significantly different in execution, experimental mining has already been done at depths as great as 15,000 feet to gather nodules of manganese scattered like potatoes across the ocean's abyssal plains. But when it comes to mining sulfides, Conrad Welling, president of the California-based Ocean Minerals Company, asserts that "there is a big difference between scientific exploration and commercial exploitation. It will be 10 years, at least, before we know whether these sulfides are exploitable."

Practical men like Welling have another problem. There is still no legal way to stake a claim in the open sea and be sure of holding rights to it and any ensuing profits. Last spring the United Nations adopted the Law of the Sea Treaty, but the United States voted against it, objecting to, among other things, the requirements for deep-sea mining of manganese nodules. Private companies must turn half their claims over to an "International Seabed Authority," which determines conditions under which mining can continue. American delegates feared that bureaucratic impediments and uncertainties would scare private investors away from sinking their money into the deep sea. For companies without treaty protection, the risk is even greater. Malahoff thinks the United States will probably concentrate its mining interests on areas within territorial waters.

The pace of scientific discovery is not likely to slow while legal and commercial implications are argued. The exploration of the sea bottom has barely begun. "The ocean is so big," said ocean miner Welling, "that what has been done so far is the equivalent of digging one 3,000-foot hole in Texas and saying we know the geology of the state of Texas. Fifteen years ago I thought I knew the ocean pretty well, but I didn't know anything."●

BENAVIDEZ—U.S. ARMY PRIDE AND SELF-RESPECT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. COLLINS of Texas, Mr. Speaker, recently I visited with Roy Benavidez. He is a retired master sergeant of the U.S. Army, who won the Congressional Medal of Honor in Vietnam.

I told him how proud I was to see a Texan as one of our Nation's heroes. And then I asked what motivated him. Was it his Hispanic heritage that the family and friends all stand together when the going is rough?

He said: "Yes, my heritage is there but I just acted naturally. You see, if I

didn't give it all I had, I would have lost my pride and self-respect."

Pride and self-respect mean much to Sergeant Benavidez. I pulled the Congressional Medal file and here are a few of the commendations remarks:

Roy Benavidez was a special forces soldier (a Staff Sergeant E-6). It happened on May 2, 1968. Benavidez was monitoring the radios in the control center when a requirement came to extract a 12 man special forces reconnaissance team. Three helicopters were sent in but were returned because they could not get in because of small arms and anti-aircraft being fired. Then Benavidez voluntarily got on a helicopter and returned to that area. It was impossible to land there but Benavidez spotted a clearing about 75 meters away; they hovered over that area in the helicopter, and he jumped out and ran over to the team members. He was wounded 3 times en route. Despite wounds he took charge of the team members and started to reorganize. About this time the helicopter landed and he started dragging wounded team members to the helicopter. As this was happening he went back and got the Team Leader and was then wounded 2 more times. About the same time that he was wounded the helicopter crashed and the pilot was killed. Sergeant Benavidez then made his way back to the wreckage and helped the wounded out of the helicopter. He gathered the survivors in a defensive position. Then Benavidez directed tactical air strikes and supporting gun ships against the enemy from this position. While doing this he was wounded again by small arms fire. Then another helicopter lands and Benavidez begins ferrying the wounded to the new helicopter. He was wounded again while helping get the injured on the new helicopter. Then he was attacked by an enemy soldier in hand to hand combat. He killed this soldier. He then spotted 2 other soldiers charging the new aircraft and he killed them also. About that time he made another trip back to insure that all the wounded were on the helicopter, then he got on and left also. Total 7 wounds sustained.

In times of war, the solid character of America comes through with pride and self-respect. Having served in the U.S. Army Engineers, I am proud of the Army traditions. What America needs today in peacetime is more of this quality of pride and self-respect.●

OUR NATION PRAYS FOR POLAND

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, on this National Day of Prayer for the People of Poland, I cannot think of a single better way to begin my remarks than to make the words of Lech Walesa, several days ago, in his invocation to the Black Madonna who has saved Poland time and time again. These words may well serve as a prayer for all people in the world who search for freedom:

I beg you to direct me, because I want to be an instrument in your hands in the service of the motherland, the church and the people. Reinforce our will and our hearts so we can make peaceful efforts in favor of the just rights of our country.

And so our prayers for peace in Poland should and must continue, especially during this critical transition period.

We are fortunate, Mr. Speaker, that there is hope in the message that the military government may be willing to ease the tension and restrictions placed on the Polish people. However, I believe that we must reiterate the position of this Government, as President Reagan has said, that "free men cannot and will not stand idly by in the face of brutal repression."

Therefore, it is only fitting that today—on this first anniversary of the imposition of martial law—we reaffirm our unqualified support for the suffering people of Poland.

Mr. Speaker, I urge President Reagan and all of my colleagues, not to be lenient in our dealings with the Jaruzelski government. Our position will change only upon legitimate action by the Polish Government toward a peaceful resolution with the Polish workers. We will not tolerate the flagrant abuses and violations of fundamental human rights.

Listen to the words of Lech Walesa, 2 years ago in the triumphant days following the founding of Solidarity:

No matter what the system may be, if it does not rest on truth, on moral conscience, on honesty, it has no chance. One cannot work against man * * * If you have a machine that doesn't work, it must be repaired. This one here broke down in 1956, in 1970 and in 1976. If it can't be repaired, it must be changed.

Mr. Speaker, 16 months after the courageous leader of the Solidarity Independent Trade Union made that statement, he was arrested along with over 6,000 Solidarity officials, activists, and antigovernment intellectuals. Martial law was imposed on December 13, 1981 during a brutal crackdown by the Jaruzelski government.

This day has been marked by prayer in the United States and throughout the world. Let us be thankful, Mr. Speaker, that perhaps much of this ordeal has now ended. And let us ask God that we may continue to join in prayer for peace—an end to hostility and oppression—in Poland and throughout the world.●

CONGRESSMAN PERKINS
RECEIVES AWARD

HON. AUSTIN D. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. MURPHY. Mr. Speaker, I would like to make this Chamber aware that during the past congressional recess the Honorable CARL D. PERKINS of Kentucky was presented with the National Rehabilitation Association's National Legislative Service Award. The National Rehabilitation Association (NRA), the world's largest organization of professionals, consumers, and other individuals devoted to improving the lives of handicapped adults and children, established the legislative service award in 1981 to recognize public officials who have demonstrated leadership in improving rehabilitation services for persons with disabilities through legislative action at the national level. Recipients are chosen on the basis of their creative and effective political leadership over a period of years on behalf of rehabilitation programs. To those of us familiar with Chairman PERKINS' long and distinguished record of successfully championing strengthened rehabilitation services in this country, which has already earned him the nickname of "Mr. Rehabilitation," it seems most fitting that he was selected to be the first recipient of this prestigious award.

The selection of Chairman PERKINS as the first recipient of NRA's National Legislative Service Award was announced at the NRA's national conference in September by Jack G. Duncan, NRA's general counsel, who was instrumental in establishing the award. Appropriately, however, the award was actually presented to Chairman PERKINS in the Seventh Congressional District of Kentucky—a region that he has represented with distinction and devotion since 1948. The presentation, which took place at the Eastern Kentucky Comprehensive Rehabilitation Center in Thelma, Ky., on October 25, was made by Jack Cline, regional manager of Kentucky Rehabilitation District 14, which is in the heart of Congressman PERKINS' district. Mr. Cline nominated Chairman PERKINS for the award.

Before the presentation, Joan Barker, chairman of the NRA's Professional Concerns Committee, and a constituent of Chairman PERKINS, explained why Chairman PERKINS received the commission's unanimous vote to receive the award:

The Honorable Carl D. Perkins, Chairman of the Committee on Education and Labor, has been dedicated to the cause of the handicapped and disadvantaged since his election to the U.S. House of Representatives in 1948. He has been actively fighting

EXTENSIONS OF REMARKS

for the rights of disabled individuals since he became a member of the Education and Labor Committee in 1949. Since 1949, the Rehabilitation Program has grown from an annual budget of \$19,000,000 to \$956,500,000 in fiscal year 1981. More importantly, the number of persons rehabilitated each year has grown from 58,000 in 1949 to 277,000 in 1980. Congressman Perkins has been a major contributor to the growth and improvement of the National Vocational Rehabilitation Program through his legislative activities and his ardent advocacy for the goals of the Rehabilitation Program.

The following list contains just a few of Congressman Perkins' outstanding achievements:

1. In 1967, he was co-sponsor of Public Law 90-99 which extended the Vocational Rehabilitation Act and expanded authorization of grants to states for Rehabilitation Services; authorized assistance in the establishment and operation of a National Center for Deaf Blind Youths and Adults; and provided assistance for migrants.

2. In 1968, he was principal sponsor of legislation which became Public Law 91-61 which provided for a National Center on Educational Media, and Materials for the Handicapped.

3. In 1970, he was principal sponsor of legislation which became Public Law 91-610, a bill to extend reauthorization of programs under the Vocational Rehabilitation Act.

4. In 1971, Congressman Perkins was the principal sponsor of a bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to states for Vocational Rehabilitation services and other purposes. The bill which Congress passed on October 14, 1972, was vetoed by the President. Congressman Perkins introduced an identical bill in 1973 which was again vetoed by the President. On May 23, 1973 Congressman Perkins and four members of the Education and Labor Committee again sponsored a bill similar to the two previous bills which was signed into law by the President.

5. In 1974, Congressman Perkins was one of four co-sponsors of the bill which led to Public Law 93-516 which: extended authorization of appropriations in the Rehabilitation Act of 1973 for one year and transferred the Rehabilitation Services Administration to the office of the Secretary of Health, Education and Welfare; amended and strengthened the Randolph-Sheppard Act for the blind; and provided for a White House Conference of Handicapped Individuals. Congressman Perkins successfully managed these amendments on the floor of the House.

6. Through his efforts as Chairman of the Education and Labor Committee, the 1978 amendments to the Rehabilitation Act added new programs to expand employment opportunities and a new and innovative program was established to promote independent living of persons with severe disabilities.

Congressman Perkins has been an active participant in the struggle for the rights of disabled individuals since his election from the Seventh Congressional District of Kentucky. He has been a leader in expansion and improvement of services to the handicapped since he became chairman of the Education and Labor Committee in 1967. He has proven to be one of the strongest allies of vocational rehabilitation services during the 1981 battle to prevent the inclusion of rehabilitation programs in a proposed block grant. He was essential to the successful vote to maintain the vocational rehabilitation

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tion program as a separate and identifiable entity.

Congressman Perkins believes that the rehabilitation of handicapped individuals is, in part, a shared State/Federal responsibility and that the basic grant program must be maintained within the Rehabilitation Act. He feels that the Federal Government must play a part in aiding handicapped persons as they strive for a full share of our American way of life. He has been an invaluable leader in legislative action to promote and expand the national rehabilitation program.

Mr. Speaker, this is by any standard an impressive record, and one which I expect Chairman PERKINS will embellish as he continues his distinguished service in this body. He should have our heartfelt congratulations on this well deserved honor.●

ARTHUR ASHE TENNIS CHAMPS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. HOYER. Mr. Speaker, I am pleased to bring to the attention of my colleagues the outstanding achievements of two young people who live in my district in Maryland. Donna Fleming and Travis Gillespie won the mid-Atlantic regional championships of the Arthur Ashe National Junior League tennis championship. In addition, they placed 5 out of 16 teams in the national competition held in New York earlier this year.

This competition presented a terrific opportunity for young people from throughout the United States to become exposed to championship tennis. I am proud that two of my constituents were so honored to represent the mid-Atlantic region. The region includes Maryland, New York, New Jersey, and Delaware.

Donna Fleming, daughter of Horace and Debbie Fleming, is 12 and is an eighth grader at the Thomas Pullen Middle School in Landover. She was rated the best girl in the 12-and-under future champions competition.

Travis Gillespie, son of Barbara and Joseph Gillespie, is also 12 and is in the eighth grade at Stephen Decatur Junior High School in Clinton. He was rated best boy in the 12-and-under future champions competition.

The national competition, sponsored by tennis great Arthur Ashe and the Congoleum Co., took place during the week of the U.S. Tennis Open. This gave the young participants the chance to see championship tennis and to meet some of tennis' top stars—for instance, both Travis and Donna met Bjorn Borg.

These two young people come from the same neighborhood, Pepper Mill Village in Landover, Md. They are the first "stars" to come from a great

tennis coach, Bill Brooks. Mr. Brooks is a retired, self-described "Sunday hacker" who undoubtedly is a gifted tennis coach. He has been the volunteer coach for the local chapter of the Ashe junior tennis league for the past 8 to 9 years. He certainly deserves tremendous thanks for all the time and effort he has given to the kids who live in the neighborhood.

Mr. Speaker, I think it is indeed a marvelous accomplishment for these young people, and I know that you will join with me in honoring them today. ●

SUCCESSFUL SMALL BUSINESS PROGRAM FACES PRESIDENTIAL VETO

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. HALL of Ohio. Mr. Speaker, the Office of Management and Budget is maintaining an intransigent position on a matter which will cause severe economic hardship, including the loss of jobs, for many small businesses.

The issue is OMB's insistence that small businesses not be permitted to use tax exempt bonds to finance pollution control improvements. The House responded to that need by passing legislation this year nullifying the OMB order creating the problem. The other body has been similarly sympathetic and it is expected that final action on the legislation will take place this week.

However, there is growing fear that the President will veto the bill at the insistence of OMB Director David Stockman. I sincerely hope that is not the case and know that my view is shared by virtually all Members of the Congress.

The matter received some visibility last week when the Washington Post published an article on its Federal Report page on Wednesday, December 8. The report was excellent and right on the mark.

What was highlighted was the fact that my constituent, Jack Schaefer, president of the Specialty Paper Co., of Dayton, Ohio, also is the president of the Small Business Coalition For Pollution Control. Through Mr. Schaefer's efforts, that organization has fought back against the OMB edict and brought the issue to the attention of Congress.

Mr. Schaefer deserves great praise for his courage and initiative which have brought its resolution to the finish line. I believe that my colleagues would find the Washington Post account informative and I hereby insert it at this point in the RECORD:

EXTENSIONS OF REMARKS

OMB SPOILING SMALL-TIME WAR AGAINST POLLUTION

(By Cass Peterson)

A Dayton, Ohio, businessman is leading an assault on the Office of Management and Budget for killing a widely praised Small Business Administration program that has helped more than 200 small firms finance pollution control equipment.

The businessman, Jack L. Schaefer, is president of Specialty Papers Co., which employs 295 persons and has been a mainstay of Dayton's inner city for 57 years. His comrades-in-arms are nearly 100 small businesses, ranging from cheese factories in Wisconsin to an electroplater in Arkansas, whose applications for nearly \$180 million in pollution-control bond guarantees have been gathering dust in SBA's files for nearly a year.

SBA's Pollution Control Financing Guarantee Program, set up by Congress in 1976, was effectively closed down by an OMB directive in January. Under the program, SBA guarantees tax-exempt bond issues for pollution control equipment up to \$5 million. OMB characterized the program as a form of "double-dipping" and told SBA it could guarantee bonds only when they would be taxed.

Advocates say that government-guaranteed tax-free bonds are the only practical way a small business can finance pollution control equipment, which typically is expensive, adds nothing to production and is of little value as loan collateral.

Large firms generally finance such equipment through tax-exempt bond issues. The smaller issues required by small firms, which lack the name recognition and financial resources of their big brothers, have limited appeal to investors. Taxable issues have almost none.

In a letter to the White House late last month, SBA administrator James C. Sanders reported that "taxable financings have not been utilized to any significant extent" in the year since SBA was limited to that option.

Supporters of the SBA bond-guarantee program call it a particularly odd target for Reagan because it turns a profit.

Schaefer's ad hoc group of businessmen, the Small Business Coalition on Pollution Control, has the discreet blessing of SBA officials, many of whom regard the program as one of the agency's most successful.

The group also has vocal bipartisan support on Capitol Hill, where members have watched with increasing alarm as the Reagan administration, budget knife flashing, has waded into the lifelines designed to help keep small businesses competitive with the industry behemoths.

Reagan's budget request for fiscal 1983 proposed to "zero out" business and industry loans under the Farmers Home Administration, small-business set-asides at the Energy Department, small-business grants at Interior, and direct loans and loan guarantees at the Economic Development Administration.

Reagan also would abolish SBA's direct loans, already cut to \$225 million from the fiscal 1981 level of \$308 million. The agency's guaranteed loans—the linchpin in federal aid to small business—would be cut to \$2.4 billion, nearly a billion dollars under the 1981 level.

"I can't believe the American people want to do this to small business," said Rep. Berkeley W. Bedell (D-Iowa), who took up the banner of Schaefer's group in a series of congressional hearings over the past year.

Rep. Silvio O. Conte (R-Mass.), a member of Bedell's subcommittee, introduced legislation to restore the bond guarantees; it has passed the House without a peep of protest.

Similar legislation also has been approved by the Senate Small Business Committee with equal ease. Backers hope to package the provision in an "omnibus" bill that will also include benefits for minority-owned businesses, making it a pro-small business, pro-environment and pro-minority bill that supporters figure will be difficult to veto even in a non-election year.

In a last-ditch effort last week to solve the problem the way it started—administratively—a group of congressmen made a direct appeal to OMB Director David A. Stockman, who reportedly promised he would "think about it." But an agency spokesman said two days after the meeting that OMB remains firmly opposed.

"When you start authorizing on macro-economic theory, the programs have a tendency to get lost," said a congressional aide.

A Washington lobbyist was even more direct: "This administration thinks small business and housing are a pain in the toekies," he said. "It's got to be the most anti-small business administration in 60 years." ●

A TRIBUTE TO REPRESENTATIVE SHIRLEY CHISHOLM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1982

● Mr. OTTINGER. Mr. Speaker, I rise in warmest praise of our colleague from New York, SHIRLEY CHISHOLM, and her tremendous contributions to this House and our country.

Few Members of Congress have accomplished so much for the cause of civil rights as SHIRLEY. As the first black woman elected to Congress, SHIRLEY has worked hard to extend the constitutional freedoms to blacks, women, and minorities, throughout all reaches of society. Her eloquence and leadership have served as an inspiration in the struggle against social inequity, discrimination and poverty.

SHIRLEY has been a leader not only as a national symbol of the civil rights movement but also as a legislator. She will be remembered by her colleagues for her diligence and effectiveness on the Rules Committee and for her efforts in the creation and passage of the Federal minimum wage law.

SHIRLEY is a fighter. She has struggled for change and effected change. She has paved a difficult path and made it easier for others to follow. The winds of change have shifted, yet SHIRLEY continues to wage the battle for those who need government assistance the most: The poor, the underprivileged, and the handicapped. I am sure that she will work as diligently in retirement as she has for 12 years in the House.

SHIRLEY will be sorely missed by her colleagues. We wish her well in what will surely be an active retirement,

continuing as spokeswoman for the most decent and constructive interests of this country.●

A CHANUKAH REDEDICATION TO HUMAN RIGHTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. GILMAN. Mr. Speaker, Friday night, December 10, marked the beginning of the holiday of Chanukah, the commemoration of the rededication of the Temple in Jerusalem by the Jewish forces, fighting under the direction of Judah Maccabee, who defeated the Syrian Army in 165 B.C. The Syrians had sought to assimilate the Jewish community to Hellenistic practices. Rather than capitulating to such pressures, there was a revolt which led to Jewish rule of Judea for the next 100 years.

Today, a similar oppression is taking place, albeit in the Soviet Union. Jews (and others) are consistently denied the right to practice their religion freely. Ostracism and imprisonment face those who attempt to defy Soviet authority. There are some who have sought to emigrate who have, after much persistence, been allowed to do so; yet too many others, denied the right to live where their hearts tell them they should be, join the ranks of thousands of refuseniks whose lives are made miserable by protracted harassment at the hands of the Soviet KGB. Others have been imprisoned on trumped-up charges, and their fate is without much hope unless we speak out and act in their behalf.

It is even more appropriate that we focus attention on these human rights issues as the 10th of December 1982 marked the 34th anniversary of the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations and which underscores the "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of Freedom, Justice and Peace in the World."

Mr. Speaker, I hope that the day will soon come when the Soviet Union will recognize that their abridgment of human rights and misdeeds against their own citizens erodes their relations with our Nation and with the world community.

The Union of Councils for Soviet Jews has appropriately circulated a memorandum asking as part of this Chanukah celebration that we rededicate ourselves to our plea for human rights for Soviet Jewry, and that each candle lit on the 8 nights of Chanukah represent specific prisoners of conscience who have suffered so much in

their fight for freedom. I share this list of prisoners with my colleagues so that we may all continue to have their cause in our hearts and minds, as we recall the courageous fight for freedom by the Maccabees over the oppressive Syrian army thousands of years ago.

FREEDOM LIGHTS

First candle—for Anatoly Shcharansky whose desire to live with his wife, Avital, in Israel and his activity with the unofficial Helsinki monitoring group in Moscow, resulted in a charge of treason and 13 years under strict regime in prison and labor camps. Prevented from any contact by visit or letter since January, 1982, he is reported to be on a hunger strike.

Second candle—for Alexander Paritsky, sentenced December, 1981, to 3 years exile at a labor camp over 3,000 miles from his Kharkov home for his desire to emigrate to Israel with his wife and children. Has not been allowed to receive warm winter clothing or medication, despite severe heart problem.

Third candle—for Alexei Murzhenko and Yuri Federov, the last of the Leningrad Trail prisoners, sentenced in 1970 for attempting to hijack a plane out of the USSR—an act of desperation never carried out, but which sparked the emigration of over 250,000 Jews from the USSR in the last decade—14 and 15 years in labor camps under strict regime.

Fourth candle—for Alexander and Kirill Podrabinek, brothers who were sentenced in 1977 and resented in prison in June, 1980, for protesting the abuse of psychiatry in the USSR. Kirill is critically ill with tuberculosis.

Fifth candle—for Andrei Sakharov, Nobel Peace Prize winner and physicist, who was summarily exiled from Moscow, January, 1980, to Gorky for an indefinite term—without benefit of trial or hearing.

In November, 1982, Sakharov was allegedly drugged by the KGB in his car and all of his personal papers, research and memoirs were confiscated.

Sixth candle—for Valery Pilnikov of Kiev and Vladimir Tsukerman and Osip Lokshin of Kishinev, all of whom face years in labor camps for demanding to know why they are refused exit visas.

Seventh candle—for Vladimir Slepak, leading Moscow refusenik, sentenced in June, 1978, for 5 years in exile for "malicious hooliganism." Even in exile on the Siberian-Mongolian border, he has been harassed over his housing and work.

Eighth candle—for Viktor Brallovsky, leader of the unofficial Moscow scientific seminar, sentenced to 3 years of Siberian exile for his "anti-Soviet" activity.●

A TRIBUTE TO DR. FAYIZ SALWAN

HON. RONALD M. MOTT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. MOTT. Mr. Speaker, today I would like to take this opportunity to honor one of the most outstanding doctors from my district.

Dr. Fayiz Salwan is a very prominent general surgeon who works mostly in

surgical oncology, which is the study of tumors. He received his doctor of medicine from the American University of Beirut in 1959. He then came to the United States and served his residency at St. Alexis Hospital in Cleveland, Ohio, from 1959 to 1963. His additional year of residency, from 1963 to 1964, was spent with Memorial Hospital in New York where he worked in the department of surgery with cancer and allied diseases.

In 1967, Dr. Salwan was accepted by the American Board of Surgery and in 1969 was presented with a fellowship from the American College of Surgeons. In addition, he is a member of the Cleveland Surgical Society, the Society for Surgical Oncology, and the Greater Cleveland Growth Association.

Most of Dr. Salwan's work is done with the so important area of the treatment of cancer. He has contributed to the development of cancer research with five papers on a variety of different cancers. As chairman of the cancer committee of Parma Hospital, Dr. Salwan works hand-in-hand with those who monitor progress of cancer victims. In addition, he is a member of the CEA protocol, which is carried nationally by the Surgical Oncology Society.

Dr. Salwan and his lovely wife Monica are the proud parents of five lovely children.

Mr. Speaker, Dr. Fayiz Salwan has shown that the United States is truly a country of immigrants. In the short time he has resided here, he has illustrated his sheer excellence as a surgeon. Dr. Salwan is a perfect example of how in this great melting pot, our many immigrants have contributed to the health and well-being of our society.●

SOVIET WATCH: ANDROPOV IMPACT ON SOVIET POLICY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. FIELDS. Mr. Speaker, I enter the following article into the Record for the benefit of our colleagues.

[From the Washington Times]

ANDROPOV IMPACT ON SOVIET POLICY

(By Marvin Leibstone)

After Nikita Khrushchev's fall from power in 1964, Americans feared new Soviet leader Leonid Brezhnev would bring back the cold war. Instead, experiments with detente lasted another decade.

But cooperation with the West has been half a Soviet ploy. Khrushchev agreed to trade and cultural exchanges, plus nuclear test ban treaties, yet Kremlin troops entered Hungary and Poland. Brezhnev signed SALT I and II, yet his regime invaded Af-

ghanistan and encouraged Poland's martial law.

Will Yuri Andropov change this? One view says Joseph Stalin was the last Soviet leader of unlimited political power, that policy deviations in the Soviet Union are by committee only . . . that Politburo members are rigid, therefore Yuri Andropov will merely reflect the status quo.

Another view holds that if a precise continuation of Brezhnev's thinking and a rubber-stamp head-of-state were desired, Konstantin Chernenko, almost a Brezhnev clone and rarely an innovator, would have been selected instead of Andropov . . . thus, since it was Andropov who got the job, change may be in the offing.

A third view suggests the Politburo is being forced by events to consider change. Too many rubles go to defense, export dollars are not balancing import costs sufficiently. Afghanistan and Poland are unruly and America is going ahead with Pershing deployments in Europe.

Assuming that Andropov is capable of bringing about change in the Soviet Union and was selected to do so because the Politburo considers change necessary, what can be expected about Soviet foreign policy?

In his nomination speech, Andropov said, "We know full well it is useless to beg peace from the imperialists. It can be upheld only by resting upon this invincible might of the Soviet armed forces." But this was no tougher than a lot of Khrushchev and Brezhnev statements, and not very different from remarks by President Reagan where the theme was deterrence, not aggression. Moreover, while making no reference to specific objectives, Andropov did say he intends to follow the foreign policy of Leonid Brezhnev, which, like Khrushchev's, sacrificed attractive goals rather than risk losing what the Soviet Union has already achieved. If we take Andropov's comments to mean something about future Soviet foreign policy, there is no indication it will take a turn for the worse.

Western historians like to surprise audiences by saying the worst Soviet aggression has been above all else, cautious. The Kremlin, they add, was confident the West would not interfere in post-war East European takeovers, nor, years later, in the Afghan matter. The slightest doubt otherwise, these historians continue, and Russian troops would have stayed home. If this is so, it follows that Soviet foreign policy has sought what it could get at minimum risk.

Bound to keep Soviet foreign policy from drifting toward carelessness and risk is the fact that Brezhnev died when the U.S. was beginning to back its language about engaging the Soviet Union militarily and economically if it has to. American support for El Salvador and anti-Soviet trade maneuvers have not relaxed the claws on Afghanistan or Poland but are likely to cause Mr. Andropov to think twice about more Soviet hegemony.

Still, it is not enough to let Andropov know U.S.-Soviet military confrontations will cost heavily. Politburo members have to know there are choices in the matter, that there are levels of cooperation Washington will stick to, such as where START might take us.

Taking these factors into account, U.S. Secretary of State Shultz seemed to suggest at a press briefing prior to his departure for Moscow and Brezhnev's funeral, that if the U.S. leads a Western demonstration of intent to curb Soviet adventurism while sharing in efforts to control nuclear arms

rationality, it is possible the Soviet Union will, under Andropov, pursue cooperation.

If Secretary Shultz is correct, much of Yuri Andropov's behavior in the international arena will be our own creation. ●

BILL BRODHEAD

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1982

● Mr. TRAXLER. Mr. Speaker, BILL BRODHEAD came to Congress shortly after I did. We got to know each other, however, in the Michigan State Legislature, where we served together.

From our earliest acquaintance, I have respected BILL as an outstanding Member of Congress and as an outstanding State representative, for like his service in Congress, his first and foremost duty was always in the best interests of his constituents, our State, and our Nation.

All who know BILL respect him as a man of integrity and great honesty. BILL has played a key role as a member of the Michigan delegation, a leadership role in the Ways and Means Committee, and a dynamic role as director of the Democratic Study Group.

BILL BRODHEAD took DSG and made it, for the first time, into the advocacy organization it should be. Under his leadership DSG became the loyal opposition—an active force in opposing the policy of the Reagan administration and enlightening Members of Congress with facts, figures, and numbers so that the rest of us could know what was happening in our districts and around the Nation.

He did all this without taking away the integrity and quality of DSG as a factfinding service, but rather, added another facet to it.

I am sad to have to say farewell to BILL BRODHEAD, but I know that we have not seen the last of him. When he came to Congress he filled the shoes of departing Congresswoman Martha Griffiths. Now at the age of 72 Martha is beginning her new career as Lieutenant Governor of Michigan.

We hope BILL will not wait until he is that old, but we know he will be back in public service, giving his talents and energy to our State and our Nation before too long. ●

BRENTWOOD FAMILY HEALTH CENTER

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. DOWNEY. Mr. Speaker, I want to take this opportunity to commend the Brentwood Family Health Center

on an important accomplishment. It is the first ambulatory community health care facility in New York State to receive accreditation by the Joint Commission on the Accreditation of Hospitals.

JCAH accreditation does not come easy. And the fact that the Brentwood Family Health Center has earned it is a tribute to their commitment to providing quality services.

Following is the Brentwood Family Health Center's pledge to the Long Island community. It is precisely "because they care about quality" that Suffolk County residents know they are getting the very best medical care from the Brentwood Family Health Center.

BECAUSE WE CARE ABOUT QUALITY BRENTWOOD FAMILY HEALTH CENTER IS ACCREDITED

The Brentwood Family Health Center is accredited by the Joint Commission on Accreditation of Hospitals (JCAH). This means that our efforts to provide high quality patient care have earned professional recognition. Earning accreditation shows that we care about the quality of services we provide and are committed to evaluate and improve them.

Accreditation is professional and national recognition reserved for facilities that provide high quality health care. It means that our Center has voluntarily sought to be measured against high professional standards and is in substantial compliance with them.

A JCAH survey team including a physician and an administrator visited our center to evaluate our performance in many areas. The surveyors applied JCAH standards to each of these functions, evaluated the findings and consulted with our professional staffs.

You can be confident that we are dedicated to providing and maintaining a high level of care and services at our Center. The fact that we have received JCAH accreditation is an indication of our commitment on your behalf.

BANKRUPTCY LEGISLATION: COMMUNICATION FROM THE ATTORNEY GENERAL ON NEED FOR A CONSTITUTIONAL BANKRUPTCY COURT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. RODINO. Mr. Speaker, I want to share with all Members a communication sent from the Attorney General of the United States to the Speaker of the House of Representatives on December 10, 1982, concerning the urgency of congressional action on an article III bankruptcy court bill. I share the concern of the Attorney General that failure to enact remedial legislation to correct the constitutional infirmity in the bankruptcy courts prior to December 24, 1982, would foster the impression "that, in the view of Con-

gress, judicial decrees concerning constitutionality are not to be taken seriously," thereby promoting disrespect for the rule of law in this country as well as the principle of separation of powers.

As the Attorney General points out, in the case of this legislation there is a dimension to the urgency for passage that is not present with regard to any other legislation currently pending in Congress. Legislative issues extraneous to the emergency issue before us should not distract this body from discharging its constitutional responsibility. The Attorney General's letter follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 10, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On September 28, 1982, you wrote to me urging the United States to seek a further stay of the Supreme Court's judgment in *Northern Pipeline Construction Co. v. Marathon Pipeline Co.*, 102 S. Ct. 2858 (1982). As you know, in that case the Court held that the broad grant of jurisdiction conferred on Article I bankruptcy judges by section 241(a) of the Bankruptcy Reform Act of 1978 was inconsistent with Article III of the Constitution. The Court stayed the effectiveness of its judgment until October 4, 1982, in order to "afford Congress an opportunity to reconstitute the bankruptcy courts or to adopt other valid means of adjudication without impairing the interim administration of the bankruptcy laws." 102 S. Ct. at 2880.

Of course, the reason for your letter to me was your assessment that the Congress would be unable to enact curative legislation by October 4. In your letter you asserted that, although "the House has diligently addressed the issues presented . . . and is anxious to meet the deadline imposed" by the Court's decision, it was "enormously difficult to enact comprehensive legislation in the short period of time" before October 4.

I fully understood then and understand now the difficulties that result from the competition for scarce legislative time and attention during a short legislative session. I must point out, however, that in the case of the bankruptcy legislation there is a dimension to the urgency for congressional passage that is not present with regard to any other bill currently pending in this session. That dimension is the recognition and respect that we, as representatives of the legislative and executive branches, owe to the judicial branch. For this reason it is imperative that remedial legislation reconstituting the bankruptcy court system on a sound constitutional basis be enacted before the end of the current legislative session.

We were reluctant to seek a state of the Court's judgment beyond October 4 for several reasons. First, the Court had already stayed its own judgment for more than three months. Second, the enactment of legislation reconstituting the bankruptcy court system was being impeded by controversies over other legislative proposals having nothing to do with the constitutional issue in the Court's *Northern Pipeline* decision. Finally and perhaps most importantly, we believed that the Court might reasonably conclude that sufficient progress toward a legislative resolution had not been made, so that an extension would only result in further delay

and a subsequent request for a further extension.

Notwithstanding these reservations, the Solicitor General did request an additional stay of the Supreme Court's judgment on October 1, 1982. That motion was premised upon the belief that a legislative resolution of the constitutional issues could be achieved by the conclusion of the current legislative session on or before December 24, 1982. We deemed it advisable to avoid a disruption of the administration of bankruptcy laws during the relatively brief additional period which seemed to be required to achieve curative legislation.

Since the Supreme Court's grant of the requested stay, officials of the Department of Justice have worked diligently with members of the Congress to resolve this issue. Jonathan Rose, Assistant Attorney General for the Office of Legal Policy, testified on November 10, 1982 before Senator Dole's Subcommittee on Courts of the Senate Committee on the Judiciary. In his testimony, he explained that the Department's thorough study of the Supreme Court's decision led to the conclusion that no Article I system for the appointment of bankruptcy judges was either free from constitutional doubt or workable as a practical matter. Thus, the Department could not support the legislation recommended by the Judicial Conference in September and instead urged the creation of the requisite number of Article III judges to handle the existing bankruptcy case load.

Despite the considerable effort by Departmental officials and many members of Congress in the two months since October 4, it is apparent that a legislative consensus is still distant. The matters in contention include not only the precise contours of the Article III court system, but a number of unrelated and controversial amendments to the Bankruptcy Code and other laws. Indeed, there have been increasing indications that remedial legislation might not be enacted before December 24, 1982.

I am deeply concerned that the judiciary and the nation might conclude that, in the view of Congress, judicial decrees concerning constitutionality are not to be taken seriously. Interpretation of the Constitution is the core function of the courts, and the United States Supreme Court has spoken concerning the constitutionality of the Bankruptcy Reform Act of 1978. It would be an unconscionable affront to the courts, to the principle of separation of powers, and to the Rule of Law for the political branches of government to fail to enact legislation to provide for a constitutionally sound bankruptcy system in this country. The Department of Justice cannot in good conscience accept such a position.

Accordingly, it is imperative that the necessary remedial legislation be enacted before the end of this session. I am sending copies of this letter to Representatives Rodino, McClory, Michel and Butler, and to Senators Baker, Robert Byrd, Thurmond, Dole, and Biden, to inform them of my concerns, as they also share important responsibilities in this matter. Of course, we stand ready to assist you in achieving enactment of the necessary legislation.

With best personal regards.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.●

BARRY GOLDWATER, JR.

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1982

● Mr. O'BRIEN. Mr. Speaker, BARRY GOLDWATER, JR., leaves Congress this year after nearly 14 years in the House.

BARRY has served on the Public Works Committee and the Science and Technology Committee. He has been in the forefront of many of the issues before both of these committees, and has earned a reputation as an effective legislator.

Though his colleagues are saddened to see BARRY leave the House, he does so at so young an age as to be certain to make his mark in whatever field he now enters. We can be certain of one thing where BARRY GOLDWATER, JR., is concerned, whatever he chooses to do, it will be done well.

STOP CLINCH RIVER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. MARKEY. Mr. Speaker, during consideration of any energy and water appropriations bill or the continuing resolution, the House should delete funding for the Clinch River Fast Breeder Reactor. This project embodies the worst problems associated with domestic nuclear power, but a vote against Clinch River should not be construed as a vote against nuclear power. Simply stated, the Clinch River project makes no economic, technological or proliferation sense. It has been granted too many reprieves. It must be put to rest, once and for all.

Every time the matter of Clinch River is brought before this body, there is less to say in its behalf and more evidence that the project should be filed away with the archaic economic and technological assumptions upon which it was conceived.

Not all of Clinch River's problems carry dollar signs. The potentially grave social costs attached to the project are ultimately more serious than the hopeless cost-benefit picture. Highest among these is the inevitable spread of nuclear weapons. Construction of this breeder reactor would launch this country, and the rest of the world with it, smack into the perils of the plutonium age.

While existing light water nuclear plants produce waste containing plutonium, extraction of that plutonium in order to make nuclear weapons is very difficult and expensive. Clinch River, however, would be fueled by plutoni-

um in a form easily converted to weapons. Moreover, fuel reprocessing would mean shipping plutonium between generating and reprocessing plants, presenting more opportunity for the material to fall into the wrong hands.

A 1977 Ford Foundation study by the Nuclear Energy Policy Study Group predicted that annual plutonium commerce in a worldwide breeder economy could provide enough plutonium for several hundred thousand nuclear weapons. The fuel required annually to reload a single breeder of the Clinch River type would provide enough plutonium for 200 to 400 nuclear weapons. This plutonium would have to be guarded with absolute assurance for more than 100,000 years. That is comparable to the period between now and the last ice age.

The introduction of plutonium to world markets would only stimulate long-held fears that the deadly substance could be misplaced. And the fears could very likely become reality.

Last week the Washington Post carried a full-page ad from the Edison Electric Institute urging Members of Congress to vote for the Clinch River breeder. The association of electric companies which sponsored the ad cautioned that "the U.S. is falling behind." It played upon that tender American nerve that twinges at the thought of another country inching ahead in technological development.

But an article in the December 10 issue of Science magazine reported that European countries are backing off from their earlier enthusiasm for breeder technology. As they have been here, viable breeder programs in those countries have been hampered by increased costs, decreased demand for electricity, and delayed construction of light water reactors. Britain and West Germany are now seriously considering a freeze, if not abandonment, of breeder programs.

France, home of the world's first commercial fast breeder, has had its own problems. The prototype Phenix plant, which has provided electricity since 1973, developed a leak in April of this year. The plant was shut down for several weeks and a new debate about the safety of the breeders was born.

Plans for a German test reactor have been delayed and may be postponed indefinitely, primarily because of financial problems. And observers feel that the British, who have been at the forefront of research in the field, will take a wait and see approach to further development because of the weakened economic arguments for breeders.

The potential problem of proliferation in this country may be more than that in Western Europe. A recent article in the German magazine, Der Spiegel, claimed that the French Super-Phenix breeder under construction is intended to produce plutonium for the

French military. If proliferation is the prize in the breeder race, let us step to the back of the pack.

And there is the question of economics. Some proponents of the project have insisted that economics should not even enter into the debate because Clinch River would be a research and development project, rather than a commercial venture. Clinch River was intended to demonstrate the performance of a breeder reactor in a utility environment—so it should be a commercial venture and economics must be a central consideration.

Unfortunately for the project's proponents, the economic picture is bleak. Even if it made sense when it was proposed 11 years ago, Clinch River has become an economic absurdity. The cost of the project was originally set at \$400 million. This fall, however, the Energy Department revised that figure for the sixth time, putting it up to \$3.6 billion. But the General Accounting Office has released an updated and more realistic estimate—\$8 billion.

The GAO also concluded that the Energy Department had overestimated the revenue we might expect from the plant. These economic facts should be seen in the context of the country's record deficits and cuts to social services, including proposals to cut fuel assistance to the poor.

When Clinch River was proposed, there were bright forecasts for the nuclear industry. But it has since entered a slump. Even before the Three Mile Island accident there was a sharp drop in orders for new reactors. At one time it was predicted that more than 60 new reactors would be operating by 1984. Most of those orders, however, have been canceled, and there have been no new orders since 1979. As many as a third of all the plants now under construction may never be completed.

Industry officials once believed that high numbers of new nuclear plants would be putting greater demands on limited uranium supplies. But uranium supply is no longer a problem. In fact, researchers believe there should be adequate uranium supplies for existing reactors until the year 2055—without breeders.

The Energy Department's Energy Research and Advisory Board recommended that, because construction of a breeder reactor demonstration is not an urgent priority, and in light of current budget constraints, construction of such a project should be delayed.

And the Nuclear Energy Policy Study Group in 1977 concluded that there is little advantage in early commercial introduction of breeders and that construction could be delayed 20 or more years without seriously affecting the economic health or energy security of the country.

Even if the plant made economic sense, and even if there were not serious questions about the need for such a plant, the proliferation problems Clinch River will inevitably present are enough to warrant its demise.●

H.R. 7379, THE "NATURAL GAS IMPORT POLICY ACT OF 1982"

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. CORCORAN. Mr. Speaker, for the benefit of our colleagues, I would like to include in the RECORD the text of H.R. 7379, the "Natural Gas Import Policy Act of 1982." I introduced this legislation on December 7, and it was referred to the House Committee on Energy and Commerce.

H.R. 7379

A bill to establish new import prices for natural gas and liquefied natural gas authorized by the Department of Energy to be imported to the United States pursuant to section 3 of the Natural Gas Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Natural Gas Import Policy Act of 1982".

GENERAL RULE

SEC. 2. Effective beginning one hundred and eighty days after the date of the enactment of this Act, any order authorizing the importation of natural gas which was issued pursuant to section 3 of the Natural Gas Act prior to such effective date shall be suspended with respect to any natural gas entering the United States on and after such effective date unless and until the applicable requirements of section 3 of this Act have been satisfied.

ESTABLISHMENT OF NEW PRICES FOR NATURAL GAS IMPORTS

SEC. 3. In the case of natural gas produced in a foreign country and imported to the United States, the requirements of this section shall be considered satisfied at such time as—

(1) a new price for natural gas imported to the United States has been established by the government of such foreign country (or, if no such price is established by such government, by the producer or exporter of such natural gas);

(2) such price has been agreed to by the Secretary of Energy on behalf of the Government of the United States; and

(3) the contract or contracts applicable to such importation have been renegotiated to conform to such new price and tariff adjustments to reflect the cost savings achieved by the renegotiation have been filed with the Federal Energy Regulatory Commission by the importer.

RECOVERY OF TERMINAL OR ATTENDANT FACILITY COSTS IN CONNECTION WITH ALGERIAN NATURAL GAS

SEC. 4. In the case of any terminal or attendant facility located in the United States and constructed for the importation to the

United States of Algerian natural gas the authority for which is suspended by section 2 of this Act, the Federal Energy Regulatory Commission shall permit recovery of the costs prudently incurred in connection with the construction of such facility to the same extent and in the same manner as if such facility were used and useful for the importation and transportation of natural gas (without regard to the suspension under this Act of importation authority). The Commission may not permit any rate of return on such costs.

NATURAL GAS TO INCLUDE LIQUEFIED NATURAL GAS

SEC. 5. For purposes of this Act, the term "natural gas" includes liquefied natural gas.●

FREEZE NOW, SURRENDER LATER

HON. EDWARD J. DERWINSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● **Mr. DERWINSKY.** Mr. Speaker, it is tragic that most "nuclear freeze" advocates focus on American weapons and American policy. None of them seem to think it is strange that the leaders of the movement do not mention the Soviet nuclear arsenal that has overtaken America's in nearly every respect. Nor do they mention Soviet aggression the world over. Pundits of the press pooh pooh the idea, that there is a Moscow connection to the freeze movement. However, the evidence is there and William Randolph Hearst, Jr. hit the nail right on the head with a recent column on the subject. In this column he reviewed the material contained in the book called "The War Called Peace," published by Western Goals of Alexandria, Va. His column, which appeared in the Hearst newspapers on December 5, 1982, has great relevance for our continuing debate on the MX missile and the size of our defense forces. The column follows:

[From The Hearst Newspapers, Dec. 5, 1982]

FREEZE NOW, SURRENDER LATER

(By W. R. Hearst Jr., Editor-in-Chief, Hearst Newspapers)

NEW YORK.—This has been a pretty slow week at home, what with President Reagan off on a four-nation swing around Latin America. But the Soviet Union hasn't let up in its campaign for a nuclear "freeze" which many honest people here and among our allies embrace because they fear the thought of a nuclear disaster being suddenly unleashed. Obviously they are not alone because the prospect is indeed a terrifying one.

But there are much better ways of settling nuclear hassles and the Russians know it. The first is on-site verification, proposed long ago by President Eisenhower and recently repeated by President Reagan.

I have just been reading a fact-filled book entitled *The War Called Peace*, (sub-titled *The Soviet Peace Offensive*). It is published by "Western Goals," with headquarters in

Alexandria, Va., whose advisory board lists among others such eminent Americans as Dr. Edward Teller, father of the H-bomb; author Taylor Caldwell; former chairman of the Joint Chiefs of Staff Admiral Thomas Moorer; former Marine Corps Commandant General Lewis Walt, and renowned physicist Dr. Eugene Wigner.

This book, commenting on anti-nuclear demonstrations here and among our Western European allies, tells how pro-Soviet organizations organized and fueled protest movements. Most staggering, I found, was the voluminous list of pro-freeze, anti-nuclear groups located in the United States. They run the gamut from the straight freeze units to anti-draft registration to groups of scientists, lawyers and even include church groups of all denominations.

It's most curious, I thought, that all this effort has been synchronized into the major objective—"freeze now"—but there's nary a mention of Soviet wanton use of chemical warfare in Laos, Cambodia and, lately, in embattled Afghanistan where freedom fighters have slowed the invasion-occupation by the U.S.S.R.

The Soviets have used toxin weapons, commonly known as "yellow rain," spraying the poison over thousands of people, killing the land in Communist-held Southeast Asia and Afghanistan. The symptoms are prolonged vomiting, dehydration and bone disease.

Months ago, I wrote about "The Yellow Rain", based on articles done by a brave lady, Jane Hamilton-Merritt, who worked and lived among the Hmong people in Laos and also spoke their language. After being instrumental in helping some Hmong villagers come to the States, she returned to Thailand to help refugees.

Just before he left to accompany President Reagan on the Latin American tour, Secretary of State Shultz flatly accused the U.S.S.R. of using toxin weapons, all of which are in gross violation of international law. Secretary Shultz, usually lowkey, declared that the U.S. had accumulated new evidence of what he termed "cynical disregard of international law" by the Soviets and their Communist comrades in Southeast Asia and Afghanistan.

Secretary Shultz, despite foot-dragging by other nations who are sympathetic, has been able to make our case more timely. This charge demands verification in Russian-controlled territory but the Soviets won't even let neutrals venture one foot inside.

It brings us right back to the freeze issue, which many Americans and our overseas friends and allies see as the road to peace. President Reagan put it bluntly at a press conference when he said that it "takes two to tango," referring to arms control and genuine disarmament. The Soviets have now shown an interest in his televised proposal on reducing risks. To repeat President Reagan's comment, it "takes two to tango" and we're here to dance.

Over a year ago President Reagan authorized our top negotiators to the nuclear disarmament conference in Geneva, Paul Nitze and Eugene Rostow (they had been working all along on the problem), to make the offer to the Russians that we would not arm our allies in Europe with Pershing missiles if they'd withdraw their SS-20s. This was referred to as the "Zero Option" for varying reasons. It was promptly rejected by the Soviet representative, Yuli Kvitsinsky.

Strangely enough, the entire incident was given very little publicity in the American

media. In Europe the blame for the almost deliberate ignoring of so important a development is placed on the Washington press corps which the continent sees as being anti-administration. It is quite likely that not being so close to the woods they can see the trees better.

The Russians, we must never forget, always break up meetings over there calling for nuclear disarmament and generally ship off protest leaders to harsh labor camps or mental hospitals. And when negotiators ask that Soviets agree to on-site inspection, Russian representatives pretend unbridled anger, charging that we demand interference in their internal affairs.

As this book, *The War Called Peace*, clearly presents, peace doesn't come about by wishing it to happen, particularly when the other side happens to be wily, powerbent and interested in unilateral nuclear disarmament, namely, ours. That isn't the way real, enduring peace can be achieved in the 20th century. The late, great Winston Churchill, when Russia under Stalin menaced Western Europe, put it in his usual eloquent manner, "We arm to parley."

His remark is as true today as it was when Europe was virtually naked before a post-World War II tyranny.

TRIBUTE TO HON. JOHN NAPIER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1982

● **Mr. ROGERS.** Mr. Speaker, I wish to thank the gentleman from South Carolina, Mr. SPENCE, for requesting this chance, for those of us who have come to know and admire JOHN NAPIER, to pay tribute to him.

Mr. Speaker, I know I speak for many of my colleagues when I say that we are losing not only an outstanding Member of Congress, but also an outstanding man, when we lose JOHN NAPIER.

I know for a fact of JOHN's devotion to his work, and to the people of South Carolina he represented so well in his brief tenure here in Washington.

I know, because I had the distinct honor of visiting his district. I saw with my own eyes the respect and admiration the people in his district have toward JOHN NAPIER.

As fellow freshmen, we had the opportunity to work together closely on a number of projects. In particular, I will always remember JOHN NAPIER's able work during last year's fight over the tobacco program, when the very life of this important program was being threatened. Yet it was JOHN NAPIER who helped come to the rescue, and who was among those in the forefront who were instrumental in developing a consensus on that issue, and ultimately preserving it.

Through this close relationship with JOHN NAPIER, I have had a firsthand knowledge of his ability to work with others. I have also seen on countless

occasions his selflessness, and his total sincerity toward others, and toward his work.

I have also seen JOHN NAPIER's outstanding leadership on both the Agriculture and Veterans' Affairs Committees. His selection as an assistant regional whip attests to the respect and admiration felt about him by his fellow Republicans.

JOHN NAPIER's service to Congress is merely the latest of his contributions to society. He has long been acknowledged as one of South Carolina's most active supporters, as well as being one of its best public servants. JOHN NAPIER's years of service to another outstanding South Carolinian, Senator STROM THURMOND, is another example of his abilities. And as a veteran, JOHN has also distinguished himself through service to his Nation.

It is with some sadness that we salute JOHN NAPIER, as he prepares to move on to new challenges lying before him. As friends, as colleagues, as Americans, we will miss JOHN's hard work, dedication and leadership. Yet we also mark this event with a feeling of elation, in having known and worked with JOHN NAPIER. For deep in our hearts and minds, we have all been touched by his presence in this Chamber. And we know that we are all better Representatives, and better people, for having known him.

Our best wishes to JOHN NAPIER and his family. And thanks from all of us, for a job well-done. Good luck and Godspeed.

BUENOS AIRES HONORED FOR PUBLIC CLEANSING ACHIEVEMENTS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. FLORIO. Mr. Speaker, the United States can well be proud of its progress in professionalizing environmentally sound waste management practices. I personally am proud of my involvement on the Energy and Commerce Committee in developing the Resource Conservation and Recovery Act of 1976 and recent amendments which have promoted sound waste management practices in this country. Likewise, we can take pride in the fact that American companies are exporting this professionalism to our trading partners around the world, helping better conditions and improving the quality of life in foreign lands.

I would call the attention of my colleagues to an award to be bestowed next Tuesday by our National Solid Wastes Management Association which serves as the secretariat for the International Council of Waste Services Industries, on the city of Buenos

Aires, Argentina for its remarkable achievement of an innovative and highly successful public cleansing program including visionary solid waste management techniques, street sweeping and catch basin cleaning. Buenos Aires has become a sparkling example of public cleanliness not only for the nations of South America, but for cities in our country as well.

What has made the difference in Buenos Aires has been the highly effective public awareness and public participation program which has mobilized citizen support and cooperation for the program. Supplementing a traditional public relations campaign of advertising and news placements, the city of Buenos Aires has distributed flyers door to door educating the public on collection schedules and what citizens can do to assist their collectors. Street sweeping schedules were also distributed so that citizens could cooperate by moving parked cars to allow efficient street sweeping. City officials from Mayor Osvaldo A. Cacciatore on down participated in press conferences and extensive media interviews to alert the citizenry. The refuse vehicle themselves became mobile advertisements for the "Help Keep Buenos Aires Clean" program with distinctive graphics. Classroom teachers were provided packets for their students on the virtues of public cleanliness.

The success of the public awareness program has enabled this city of 2 million people to transform an unhealthy situation into a model for other municipalities within a short space of 2 years. Public cooperation was the key to assuring success of the long range, innovative waste management plan for the entire region. The overall plan is as exciting as it is extensive. Closing down numerous open burning dumps, the city has embarked on a 30-year program of converting 12,000 acres of low lying area which surrounds the city in a 180 mile circumference ring, into a system of parks with soccer fields, golf courses, picnic areas and trails for cycling, hiking and horseback riding. This is an eminent example of converting wastes into socially useful purposes.

I commend the example of Buenos Aires to my colleagues and to the municipalities which they represent. I add my congratulations to those of the National Solid Wastes Management Association in saluting Buenos Aires for this remarkable achievement. ●

NATIONAL MINORITY SUPPLIER DEVELOPMENT COUNCIL

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. MITCHELL of Maryland. Mr. Speaker, I am pleased to share with my colleagues a speech which was recently given at the 10th Annual Conference of the National Minority Supplier Development Council by William R. Chaney, president of Avon Products, Inc., who is currently serving as chairman of the council.

As Mr. Chaney comments, the past 10 years have indeed brought a sense of pride and accomplishment for the efforts of the National Minority Development Council. I share his view that, as minority business is expanded and strengthened, a healthier free enterprise system will occur in the United States.

NATIONAL MINORITY SUPPLIER DEVELOPMENT COUNCIL

(By William R. Chaney)

Mayor Byrne, distinguished members of the Dais, members of NMSDC, and friends.

It is both a pleasure and a privilege for me to personally welcome you to our 10th Annual National Minority Supplier Development Council Conference here in Chicago, Illinois.

I know that the entire council joins me in extending our sincere appreciation to the Chicago host committee for helping to make this conference possible.

Mayor Byrne, we also thank you and the people of Chicago for your kind hospitality.

As chairman of NMSDC, it is my hope that we have all come to this particular conference, one that marks a decade of our existence, with a great common spirit of dedication and total commitment to our purpose.

When you think about it, 10 years is really not a very long time in the life of an organization, we are still young and growing. Yet, I believe that we can look back on these past 10 years with a special sense of pride and accomplishment because our record of achievement speaks for itself.

In just 10 years, NMSDC has grown into a network of 43 regional councils with satellite offices around the country. Our annual estimated value of goods and services purchased from minority enterprises increased substantially from \$86 million in 1972 to \$4.2 billion in 1982. In addition, our corporate participants have increased nationwide . . . from 261 in 1972 to more than 2,700 active supporters today.

I believe that these figures indicate significant progress and that we should be proud to be a part of an organization that continues to increase business opportunities for minorities despite general economic conditions with which all businesses are concerned.

Today, the council is an established recognized national organization in this country. It has a history of creating jobs for thousands of people, through its support of successful minority business.

As I have said before, helping minority businesses to grow and prosper is one of the

most effective ways to alleviate some of the social and economic problems confronting our Nation, and I think the council is doing just that.

But, we cannot afford to rest on our past successes. We, as an organization, have some very real challenges ahead. The Federal Government, for example, has taken a declining posture in its level of funding for us, and we are going to have to use all of our resources to move the council's dependency away from the public sector and seek greater participation and support of the private sector. We will have to work together with efficiency, imagination, and initiative to implement our private sector expansion plans.

For the short term, we need the help of our Federal funding, and together with Ben Jones, our executive director, we are working to see that all of the Government's requirements are met.

Clearly, the Federal Government and the council share the same interest—we all want a stronger, healthier national economy, and minority business development certainly contributes to that interest. It is no secret that by strengthening the minority business community, you help to improve the employment picture, increase the tax base, reduce public assistance programs, encourage urban revitalization, and generally strengthen the overall marketplace.

As we approach 1983, I am pleased to report that our channels of communication to the public sector are open and in place, and our relationships remain strong.

We continue to share the view that a policy of greater private sector support and involvement is the way to develop business opportunities for minority entrepreneurs. This policy, of course, reinforces the council's expansion plans for the future. Moreover, it makes it possible for us to enjoy the influence of the Federal Government and at the same time convince the corporate community that advocacy of voluntary programs as opposed to Government imposed programs is good for business and good for the country.

I also want to report that our existing expansion plans, which are so vital to our future growth, call for a very strong national membership recruiting drive that will reach out to the Fortune 1,000 companies.

Expanding our corporate membership through an aggressive recruiting campaign is the single most important way to insure our funding needs and I plan to do all that is within my power as your chairman to see that this priority is maintained.

Finally, as we enter our second decade, I am optimistic about the future of the council, and I hope that you share this optimism with me. It is based on our 10-year history of progress that has produced such positive results and the course that we have set for the future.

I have confidence in our management team because of their level of experience and their dedication to the achievement of our goals.

I believe in our purpose and objectives for as minority business is expanded and strengthened, a healthier and more vital free enterprise system will result.

Thank you.●

SPACE COMMERCE ACT

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. AKAKA. Mr. Speaker, today I am introducing a bill which would streamline the current procedure by which a private company is granted permission to launch a vehicle into space. This bill, known as the Space Commerce Act, is of vital importance to the success of private sector involvement in our Nation's space effort. There can be no question that the commercial era of space has dawned with the arrival of the 1980's. As a Congress, we must do what we can to encourage the private sector to invest in space and space-related activities, for as history has shown, an investment in space is one of the soundest economic investments we can make in our Nation's future.

Under current practice, it is quite difficult for a private company to receive the necessary clearances to launch a vehicle into space. In fact, the process is not only complicated, but often requires a company to spend an inordinate amount of time and money in an effort to receive those clearances. One company which recently conducted a suborbital launch was required to obtain regulatory permissions, clearances and approvals from five different Federal agencies or bodies: the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of State, the Federal Communications Commission, and the North American Defense Command. Furthermore, not only did the company have to register with the Internal Revenue Service, but incredible as it may seem, with the Bureau of Alcohol, Tobacco and Firearms as well. As a result of this ponderous procedure, this particular company was required to invest over 6 months and more than a quarter of a million dollars in legal fees to be cleared for launch.

The bill I am introducing today simply streamlines the regulatory procedure by establishing a single point of contact within the Federal Government for applicants to obtain permission to launch a space vehicle. Under the terms of this bill, this single point of contact would be responsible for coordinating and facilitating all Federal actions pertinent to private sector space launches. In turn, this single point of contact would issue a comprehensive license for space vehicle launchings to private companies. This bill would in no way abrogate our national security interests, and would certainly result in an efficient and less costly procedure for regulating private space launches.

There can be no doubt that private sector involvement will shape the future of the Nation's space effort in the years ahead. Already, there are at least six companies which have publicly announced their intention to commercialize various aspects of space launch services.

By streamlining the regulatory procedure for companies involved in this activity, this bill encourages the development of new enterprises in the space field—not by subsidy or special treatment, but rather by opening up new opportunities for entrepreneurs. These new business opportunities can be exploited and developed by small- and middle-size businesses—businesses which form the backbone of our American economy. By streamlining the regulatory procedure, this bill also encourages the creation of new jobs, for as the industry grows, so does the number of people necessary to it.

Passage of this bill will kindle the spark of new investment in America and make clear our commitment to American leadership in new areas of technology and industry.

Passage of this bill will serve to encourage the kind of high productivity which we, as a nation, have long supported.

Passage of this bill, and others like it, can make a real contribution to the health of our economy.

We must not limit our effort in rebuilding America to fixing potholes and decaying bridges. We can, through passage of this legislation, create the conditions necessary for building a bridge to a whole new frontier.

I urge my colleagues to make a commitment to building the bridge to a whole new frontier by supporting this legislation.●

PETE McCLOSKEY

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1982

● Mr. O'BRIEN. Mr. Speaker, PETE McCLOSKEY has been an immense asset to the House. He will be missed greatly.

PETE came to Congress in 1967, after distinguishing himself in the California legal community. He was a Marine Corps officer and served his country at the time of the Korean war. In Congress, PETE has been the first to speak out on many difficult issues, such as the war in Vietnam, and he has carved out nationally known positions on issues such as compulsory youth service.

Several years ago PETE came out to my district to speak to a group of about 250 high school students on the roles they could play in the governing of the country. It was more than a

civics lesson. PETE caught their imagination, and I believe he inspired them. It was a moving experience.

But it also is what we expect from PETE McCLOSKEY. He is no usual Congressman, and he will be missed an unusual amount. ●

THE PEOPLE'S PARADISE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. FIELDS. Mr. Speaker, some form of socialism/communism is dominant in many nations and every continent. The idea of socialism is especially attractive to intellectuals who are able to maintain a comfortable distance from actual socialist practices.

Though socialism is a god that fails continuously, and causes more human suffering and tragedy than any idea or practice in history, there are those who stubbornly cling to its high-minded idealism. They religiously close up their eyes to the reality that the socialist promise of instant utopia brings only the tyranny of a real dystopia.

It is for them that the following glimpse of reality is provided.

[From the Washington Times, Oct. 1982]

SOVIET LIFE INCREASINGLY BLEAK

(By Allan Brownfeld)

Visiting the Soviet Union is a sobering experience. It is one thing to review statistics about declining Soviet grain production and to read reports about the shortage of even the most basic necessities of life, and quite another to walk the streets of Moscow and other Russian cities and observe the life of average citizens of the U.S.S.R.

For those Russians who are not part of the Communist elite, life is increasingly bleak. This writer visited department stores, food and clothing shops in Moscow, Leningrad and Kiev. In all of them, lines were long and goods were few. In a meat shop on Gorky Street, Moscow's equivalent of Fifth Avenue, I observed what almost developed into a brawl, as customers fought over the one remaining chicken. The line was 20 deep, and many who had waited for at least an hour or more arrived at the counter only to find that nothing was left to purchase.

In a vegetable shop in Kiev on a sunny Sunday afternoon, 12 people waited in line with shopping bags. The only things available were potatoes, cabbage and cucumbers. At the famous GUM department store, across from the Kremlin and Red Square, long lines were to be found on weekday evenings at 9 p.m. for such basic items as socks, underwear and toothpaste. Shopping for the basic necessities of life occupies much of the nonworking time of Russians.

Hedrick Smith, former New York Times correspondent in Moscow, notes that, "The accepted norm is that the Soviet woman daily spends two hours in line, seven days a week, daily going through double the gauntlet that the American housewife undergoes at her supermarket once, maybe twice a week. I noted in the Soviet press that Russians spend 30 billion man-hours in line an-

nually just to make purchases. That does not count several billion more manhours expended waiting in tailor shops, barbershops, post offices, savings banks, dry cleaners and various receiving points, for turning in empty bottles and so on. But 30 billion man-hours alone is enough to keep 15 million workers busy year round on a 40 hour week. Personally, I have known of people who stood in line 90 minutes to buy four pineapples, three hours for a two-minute roller-coaster ride, 3 and a half hours to buy three large heads of cabbage only to find the cabbages were gone as they approached the front of the line, 18 hours to sign up to purchase a rug at some later date . . . Lines can run from a few yards to half a block to nearly a mile . . . The instinctive reaction of a Russian woman when she sees a queue forming is to get in line immediately—even before she knows what is being sold."

The group of journalists with whom I was traveling stayed in new, modern hotels which were constructed for the Russians by Swedes and Finns for the 1980 Olympics. We were provided with the best available food although, even for foreign visitors, the Russians were unable to provide fruit of any kind—much less orange or grapefruit juice. The bars appeared to be well stocked, yet we were told on at least three occasions that, as early as 10 p.m., "we are out of beer for tonight." Anyone who wanted a second cup of coffee with dinner was charged an additional fee. We were told that coffee was a scarce and valuable commodity in the Soviet Union. Our privileged life was meant to be as separated as possible from average Soviet citizens. Guards stood at the doors of the hotel to keep Russians out.

While the Soviet Union has devoted its funds and energy to building the world's most powerful military machine, its domestic economy is in a state of growing disarray. No place is this more apparent than in the agricultural sector.

Almost a quarter of Soviet workers are in agriculture, yet they still cannot feed the country. By contrast, only 3 percent of the American labor force is engaged in farming and produces vast surpluses. Each U.S. farm worker feeds 60 Americans; each Soviet farmer feeds only eight Russians. In fact, no country has ever dominated world grain trade as the U.S. does today. Its 55 percent share of world grain exports in 1981 easily overshadows Saudi Arabia's 32 percent share of world oil exports.

This year, because of its own failed system of collective farms, the Soviet Union will attempt to import 46 million tons of grain—more than any other country in history. As a result, one-fourth of all the grain for Soviet human and livestock consumption will come from abroad, according to a study by the Worldwatch Institute. Over one-half of this imported grain will come from North America, most of it from the U.S. In this sense, we continue to bail out Moscow's failed agricultural system and permit its massive expenditures for defense.

While communism may have made the Soviet Union a military success, it remains clearly an economic failure. The average Russian has one of the lowest standards of living in the industrial world. Nicholas Daniloff, the Moscow correspondent of *U.S. News and World Report*, points out that, "The fact that the Soviet economy is an economy of scarcity is underlined by long lines at stores, black marketeering, bribe giving and bribe taking—and the government's harsh new campaign to stamp out speculation and corruption."

The only bright spot in Soviet agriculture is the small island of free enterprise represented by the tiny private plots that workers on collective and state farms are allowed to cultivate—occupying less than 2 percent of the farmland but producing one-third of the total meat and vegetable output. Westerners residing in Moscow report that the people seem to have lost whatever incentive they had to work—not only in agriculture, but throughout the Soviet economy.

The incentive of private gain has been banned and the ideological exhortations to avoid waste and work harder no longer have much effect. Soviet officials are now admitting their concern. Radio Moscow, for example, recently compared the Tolyatti plant, built by Fiat on the Volga River, and the Daimler-Benz plant in West Germany. The broadcast complained that Soviet output lags far behind in quality and quantity because of chronic absenteeism and tea breaks.

It is the Soviet elite, however, which pursues the profit motive to ever greater heights. While communist ideology speaks of a "classless" society—and a state designed to serve the "workers," it is the governing elite which is largely served. They do not wait in long lines for meager goods. Instead, the elite groups shop in separate stores, deliberately unmarked to avoid attention and accessible only with a special pass. "These stores," Hedrick Smith points out, "insulate the Soviet aristocracy from chronic shortages, endless waiting in line, rude service and other daily harassments that plague ordinary citizens. Here, the politically anointed can obtain rare Russian delicacies like caviar, smoked salmon, the best canned sturgeon, export brands of vodka or unusual vintages of Georgian or Moldavian wines, choice meat, fresh fruit and vegetables in winter that are rarely available elsewhere . . . Certain stores also provide the elite with foreign goods the proletariat never lays eyes on . . . Supreme leaders of the Communist Party get the kremlinsky payok, the Kremlin ration—enough food to feed their families luxuriously every month—free. By contrast an ordinary urban family of four might spend 180-200 rubles a month, easily half its income on food."

Western Marxists who view the U.S.S.R. as a model for their own societies should come here for a visit. They would be quickly disabused of their romantic notions and would discover that the myth and the reality are radically different. ●

TRIBUTE TO THE HOLT CHILDREN'S SERVICES, INC.

HON. GREGORY W. CARMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. CARMAN. Mr. Speaker, I would like to bring to your attention a very special organization, the Holt Children's Services, Inc. This group is a nonprofit social welfare organization approved by the Ministry of Social Affairs of the Republic of Korea. The organization was started in 1955 by the late Mr. Harry Holt. He started the group with the adoption of eight children who became orphans during the Korean war.

The cardinal philosophy of the organization is based upon Christianity. The Holt Children's Services is an outstanding example of child welfare work. Its main program consists of counseling and prevention of unmarried parents, adoption at home and abroad, medical welfare service, rehabilitation for mentally retarded and physically handicapped children, scholarships for underprivileged children, and the management of the Sae-maul Day Care Center and Baby Home.

I have had a special association with the Holt Children's Services. As some of you may know, my family has been blessed by my daughter whom we adopted through the Holt Services. After recently visiting the organization in Seoul, Korea, and meeting with the President, Han Kyu Kim, I commend the group for the special joy they have brought to my life and to the lives of many children and families throughout the world.●

NO RIGHT TO CONDEMN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. PAUL. Mr. Speaker, the ongoing debate over the role the United States should play in the Middle East has focused on which side of the Arab/Israeli conflict the United States should champion. Some advocate siding with Israel over the Arab nations, while others urge the United States to favor the Arabs over Israel. Both sides make it appear that these two positions are the only options open to the United States. However, a third option is readily available—a policy of noninterventionism.

A noninterventionist foreign policy was successfully pursued by this Nation from its founding essentially up to World War II, with only brief interruptions. Under a system of noninterventionism, people and goods flow freely across national boundaries, and nations enjoy the greatest economic prosperity. Also, the United States would remain free from the "entangling alliances" that cost the American taxpayers billions of dollars annually.

For the RECORD, I would like to submit an editorial that I wrote on the need to pursue a noninterventionist foreign policy in the Middle East. This editorial, which appeared in The Jewish Herald Voice of Houston, Tex., was written in response to the administration's condemnation of Israel's recent decision to continue building settlements on the west bank. The text follows:

NO RIGHT TO CONDEMN

(By Ron Paul)

The Administration's harsh condemnation of Israel's decision to continue building settlements on the West Bank is another example of the arrogance of our decades-old foreign policy of interventionism. The U.S. State Department possesses neither the wisdom nor the authority to dictate to Israeli citizens where they may or may not live. It is the height of presumption for this Administration to assume that American-Israeli relations depend on Israel's willingness to adhere to U.S. plans for Israel. Israel, after all, is a sovereign state possessing every right to determine its own policies, free from our intervention. State Department officials and U.N. demagogues have no business dictating to the Knesset, and are out of order in any attempt to determine the boundaries of other nations.

The U.S. response, while masquerading as benevolent, is in fact purely self-serving. We have not voiced our concern in human terms. Instead, Administration officials have referred to the settlements as a "litmus test" of U.S. influence and intentions in the region. The State Department's real concern involves possible losses in its own power to manipulate other nations.

The U.S. must refrain from criticizing Israel's decision. The Israeli government must be free to pursue those policies that it finds to be in its national interest, and to bear the responsibilities for those decisions. The United States, in this as in all other matters, must mind its own business.●

SALUTE TO MAJOR REDDICK

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. CLAY. Mr. Speaker, I am honored to pay tribute today to an outstanding citizen of the St. Louis community, Maj. James F. Reddick, on the occasion of his retirement from the St. Louis Police Department after 31 years of outstanding service.

James F. Reddick was born in Carlyle, Ill., on December 23, 1918. He attended the Carlyle Grade School, where being the biggest boy in his class it became necessary for him to prove his strength, many times against his wishes. Jim believes it was at this point that he developed an interest in boxing. Jim also attended the Carlyle High School. While he was there he decided boxing would be his chosen profession and he set out to improve his boxing technique. After his father's death, Jim had to leave high school and support his widowed mother and he resigned himself to life on the family farm.

In 1936, Jim Reddick found the opportunity to move to St. Louis. The next year, his boxing career took off when he won the southern Illinois Golden Gloves middleweight championship in Centralia, Ill. In 1937, 1938, and 1940, Jim Reddick won the Ozark AAU light heavyweight championship in St. Louis, Mo. He was selected to be

a member of the international boxing team in 1938. As a member of the team, Jim toured South America and Europe. He fought five fights in five countries. Jim lost the first fight in third round decision to Carlos Berte in Argentina. In Rio De Janeiro Jim fought his second fight and knocked out Jose Nicolo in the first round. The third fight took place in Uruguay where Jim won in a decision against Josquin Mosquerz. Jim went on to knock out Migueal Morales in the third round of his fourth fight in Chile and in his fifth fight, which took place in Lima, Peru, Jim knocked out Vincente Quion in the first round. Jim Reddick was then judged the team's "outstanding fighter."

Jim Reddick's career continued and in 1940 and 1941 he captured the title of National AAU Champion in Boston, Mass. In Rochester, N.Y., Jim was awarded the diamond ring in the 1941 Tournament of Champions. That same year, Jim Reddick was a St. Louis Globe-Democrat Golden Gloves champion.

In 1942, James Reddick joined the U.S. Army Air Force and was stationed at the MacDill Air Force Base in Tampa, Fla. During his military career, Jim Reddick toured various military bases in a series of exhibition bouts with Joe Louis, then the heavyweight boxing champion of the world. Jim recalls those fights as among the highlights of his service career. While Jim Reddick was stationed at Keesler Field, Miss., he met and married his wife Martha on June 28, 1952.

First Sergeant Reddick was honorably discharged from the service after serving 31 months overseas and a total service of 55 months. He then went to work as a postal clerk at the main post office in St. Louis, Mo. While he worked at the post office he studied business administration through the GI bill at the Hubbard Business College.

Jim Reddick believes his eventual interest in the St. Louis Metropolitan Police Department was manifested during his last fight. After taking the proverbial trip to the canvass a total of five times in the first round, Jim noticed a smiling gentleman whom he later discovered was Eugene Camp, a man destined to become the chief of the St. Louis Police Department. Jim remembers, "Looking at Camp, from a horizontal angle, I knew that the fight game was no longer for me, and that the life of a police officer was." He says the happiest day of his life was March 12, 1951, when he was appointed a probationary patrolman with the St. Louis Police Department, and he remembers he was ready to lock up the world.

Jim Reddick has had a varied career with the St. Louis Police Department and attained a list of promotions:

March 12, 1951, police academy; June 2, 1951, ninth district; December 16, 1951, promoted to patrolman; March 1, 1954, secret service division; December 3, 1956, promoted to corporal; March 15, 1960, promoted to sergeant; March 15, 1960, supply division; February 1, 1962, promoted to lieutenant; February 13, 1962, robbery-burglary division; February 1, 1963, vice division; August 19, 1963, robbery-burglary division; July 10, 1965, eighth district; August 15, 1966, promoted to captain; August 15, 1966, bureau of investigation; August 24, 1966, seventh district; August 25, 1968, eighth district; October 1, 1980, promoted to major; and October 2, 1980, bureau of investigation.

Maj. Jim Reddick has always been high on police work and says he has not ever become disillusioned. He became known for his annual Christmas parties which he began in 1966 in the seventh district. Jim gave the parties because he wanted to do something for the men who had worked so hard all year without any reward. The men in the district were invited as were the residents and businessmen of the community. Jim's Christmas parties grew bigger each year and afforded a valuable opportunity for the police officers to relax and talk with the citizens of the community they served. Jim Reddick also hosted a barbecue for his men each year at Lake Carlyle.

Mr. Speaker, Major Reddick has earned the admiration, affection, and professional respect of his fellow law enforcement peers, and he will be greatly missed by the St. Louis Police Department. Throughout his career, Jim Reddick has been a truly dedicated and compassionate man. He believed in his work and he has left a real mark on our city. I understand Jim plans to vacation in Argentina, Uruguay, Peru, and Rio de Janeiro, and looks forward to working with the young boys at the Matthew Dickey Boys Club.

I salute Major Reddick on his outstanding service to the St. Louis community and I wish him a long and happy future.●

HENRY R. FOLSOM

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. EVANS of Delaware. Mr. Speaker, I note with pride and personal pleasure that on December 8 the other body confirmed the reappointment of one of my most distinguished constituents, Henry R. Folsom of Hockessin, Del., to a 6-year term on the Postal Rate Commission.

It was my honor to bring Commissioner Folsom's name to the President's attention more than a year ago when a vacancy on this Commission occurred. President Reagan appointed him early in 1982, and in March he

was confirmed by the Senate. He has now been reappointed for the full term at the Commission where he has already made his mark. He was elected Vice Chairman in April and has played a leading role in the complex activities of this Commission. I was proud to receive a statement from the Commission's Chairman, Janet Steiger, a few weeks ago, expressing her pleasure at Henry Folsom's substantive contributions to the Postal Rate Commission.

As an active supporter of Ronald Reagan in 1980, I was impressed by his genuine desire to bring competent and dedicated persons into his administration who would make a personal sacrifice to enter public service. Henry Folsom is indeed such a man. His long record of outstanding public service in my home county of New Castle is appreciated by all of us who were beneficiaries of his sound judgment and brilliant political leadership.

Henry and his charming wife, Grace, are one of Delaware's most illustrious teams, and I am happy that our State is "lending" them to this administration for 6 more years.●

TRIBUTE TO B. F. SMITH

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mr. BOWEN. Mr. Speaker, one of the greatest rewards of my congressional service has been the opportunity to work closely with one of Mississippi's most outstanding leaders, B. F. Smith, executive vice-president of the Delta Council. Under B. F. Smith's leadership, the Delta Council, an economic development organization representing 18 rural counties in the Mississippi Delta region, has earned an impressive national reputation for work in agricultural and industrial development.

The Delta Council, which holds its annual membership meeting at Delta State University in my hometown of Cleveland, Miss., has been the driving force behind the economic development of the entire Mississippi Delta area and, since his association with that organization in 1947, B. F. has clearly been the driving force behind the Delta Council.

B. F. is stepping down from his post of executive vice-president effective January 1, 1983, although he will continue to serve the organization as an executive assistant and will work on special assignments. I can truthfully say that I know of no other person in the entire State of Mississippi who has contributed more to the quality of life in that area than B. F. Smith, and he will be sorely missed.

I wanted to share with my colleagues the following article from the

Leland Progress of Leland, Miss., which is a fitting expression of praise and thanks for B. F.'s work.

[Leland Progress, Dec. 2, 1982]

MONUMENTS TO SMITH TAKE VARIOUS FORMS

If you were to visit the Mississippi Delta, you probably wouldn't see the name "B. F. Smith" on a marble statue, a bronze plaque, or an impressive new building. But monuments bearing testimony to his 33 years of dedicated service to Northwest Mississippi are plentiful in the 18 rural counties that make up the region known as the Delta.

The monuments take various forms . . . like the vastly improved farm-to-market road system and new four-lane highways that link the Delta with important trade centers . . . or the crucially-needed drainage and flood control projects now in place on the Yazoo-Mississippi River Basin . . . or the region's transformation from a one-crop "feast or famine" economy into a diversified farming area that last year produced more than 70 percent of Mississippi's agricultural products . . . or the 255 manufacturing plants that have been attracted to the area to create new jobs and help balance the agricultural economy.

B. F. Smith, of course, didn't accomplish these things single-handedly. But it is safe to say that it took the vision, the leadership and the ingenuity of a B. F. Smith to bring them about. Of all the contributions this outstanding man has made to rural Northwest Mississippi, by far the most important is his singular ability to organize the top business, professional and agricultural leadership into an active and cohesive group that works effectively to improve the quality of life for all people in the Delta.

He has used this talent well in his official capacity as Executive Vice-President of the Delta Council, the area-wide development organization that has spearheaded the section's economic and social progress. But undergirding all that he does in his professional capacity—and indeed driving him far beyond the requirements of his job—is a deep-seated love for his native Delta and sincere compassion for its people. These are the qualities that make B. F. Smith go the extra mile in service and dedication, and these are the qualities that time and again have deterred him from accepting more lucrative positions with private industry in other parts of the state and nation.

Neither time nor space allows a complete listing of the numerous and varied projects in which B. F. Smith has played a key role. But a quick rundown of a few in recent years will hopefully demonstrate the scope of his activities:

One of B. F. Smith's unique abilities is to recognize opportunities and establish priorities. Soon after becoming Executive Vice-President of the Delta Council, he recognized that if the soils of the Delta area were to approach their economic potential, an effective agricultural research and extension program was essential. His untiring efforts led to unified support by the people of the area for legislation to permit funding of agricultural research through millage from county government, which culminated in passage of Mississippi House Bill 481 in the 1983 session. This bill authorized Supervisors of the Levee District Counties to levy special taxes for funding agricultural research. These funds have been made available to the Mississippi Agricultural and Forestry Experiment Station each year thereafter.

In 1974 and 1975, the Delta—like many other farming areas of the United States—suffered crop disasters as the result of unusually poor weather conditions. This occurred at a time when commodity prices in both domestic and foreign markets were almost stagnant and when farmers also were beginning to feel the bite of inflation. B. F. Smith began exploring the feasibility of a "disaster relief" credit system that would allow farmers to obtain emergency farm credit loans under the existing Farmers Home Administration program.

Drawing on his extensive knowledge of agricultural credit policies, he devised special provisions that would enable farmers to use this type loan when conventional credit was unavailable or simply out of financial reach. During 1974 and 1975, emergency farm loans totaling more than \$100 million were made each year in the State of Mississippi alone—and the great majority went to small family farming operations which would have ceased to exist had it not been for B. F. Smith's ingenuity and determination.

As part of his campaign to diversify agriculture in the Delta, Smith was in the forefront of a campaign to allow unlimited acreage for rice growers. Many Delta farmers had been attempting to grow cotton and soybeans on land ill-suited for row crops but ideally suited for rice production. But under the federal farm programs prior to 1976, only landowners who held allotments based on past history of rice production could grow rice. Smith organized the agricultural leadership of the Delta in an effort to change the situation. And despite stiff resistance from many large commercial rice farmers in the rice-producing areas of Texas, Arkansas, Louisiana and other parts of Mississippi, the first steps of a program initiated by Smith ultimately became federal legislation allowing all farmers to grow rice.

Before its passage, less than 35,000 acres of Delta land were in rice production. But today—three years later—rice plantings total more than 240,000 acres. Delta farmers have an important new crop, and the land's productivity and value have thus been enhanced.

Education is another area that has benefited tremendously from this man's efforts. In the early 1970s, he headed the "Committee of Sixty"—a group organized to obtain increased funding for the state's nine universities and colleges. Armed with documented facts and informational data, Smith carried the fight for the urgently needed funds to the State Legislature—testifying before the budget commission and the appropriations committees of both houses, and finally appealing successfully to the entire legislature.

This effort paid off in continued growth for Mississippi's institutions of higher learning and has done much to assure proper emphasis for the state's educational programs in future planning.

Smith also has been a strong proponent of vocational-technical training in Mississippi's secondary schools and junior colleges. Mississippi Delta Junior College, now the state's largest vocational-technical training center, is one of the many schools that is providing rural Mississippians with educational opportunities as a result of B. F. Smith's continued emphasis on advancing occupational skills and training.

The industrial development of Northwest Mississippi is due in large part to the tireless efforts of B. F. Smith. In 1957, he made a forceful presentation to 95 Delta business

leaders—convincing them of the need to initiate and finance an Industrial Development Department in the Delta Council area. Since the creation of a fulltime Industrial Development Department headed by Smith, more than 255 new manufacturing plants have been attracted to the area. More than 26,000 new jobs have been created and the industrial payroll has grown from about \$33 million to more than \$365 million annually. Bank deposits have increased by \$1.8 billion and retail sales have climbed from \$368 million in 1957 to almost \$2 billion in 1979.

Without the economic transfusion provided by this industrial development, many of the Delta area's small communities would have disappeared. As the guiding force behind the effort, B. F. Smith has demonstrated his own special ability to tap almost every one of the area's human and natural resources in order to assure rural citizens of the opportunity to live and prosper in the Mississippi Delta.

Simply put, he is one of the most respected men this region has ever produced.

Our wishes are for the best of life and health for him and Mrs. Smith in the years to come. Thanks, B. F., for passing our way.●

JOHN ROUSSELOT

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1982

● Mr. O'BRIEN. Mr. Speaker, JOHN ROUSSELOT will retire soon, and that will be a great loss to the House.

JOHN has had a long and distinguished career in Congress. Most recently he has served on the Social Security Subcommittee on the Ways and Means Committee, where he has championed the interests of the Nation's elderly.

JOHN has also served on the Joint Economic Committee, the Post Office and Civil Service Committee, and the Committee on Banking, Finance and Urban Affairs.

Personally, JOHN has been a good friend and true gentleman. Like all of us in Congress, I regret his departure from Congress greatly. He will truly be missed.●

HAITI: HUMAN RIGHTS STILL AN ISSUE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 13, 1982

● Mrs. CHISHOLM. Mr. Speaker, last Friday my colleague, the gentleman from Texas, (Mr. LELAND) sponsored a special order on behalf of Human Rights Day. As I leave Congress, I hope that the House will continue to support human rights causes in the future. In the 97th Congress, we can be proud of the fact that it was the House who successfully fought to retain many of the foreign aid restric-

tions against those countries with a pattern and practice of human rights abuses.

The Congressional Black Caucus has played a leadership role in this area, as well. Our efforts on behalf of Haitian refugees actually focused great attention on the human rights conditions in Haiti, conditions which prompted many Haitian nationals to flee to our shores for refuge. The caucus' work in this area has been greatly aided by Michael S. Hooper and the Lawyers' Committee for International Human Rights. Their reports have also provided insight and definitive information regarding human rights practices in Haiti. It is my hope that a new organization, the National Emergency Coalition for Haitian Refugees, will be able to continue those efforts under the leadership of Michael Hooper. In this regard, I have submitted for my colleagues' attention, the latest human rights report on conditions in Haiti. A more definitive work on this subject can be found in a report to the Organization of American States entitled "Violations of Human Rights in Haiti-June, 1981-September, 1982."

VIOLATIONS OF HUMAN RIGHTS IN HAITI: A SUMMARY, NOVEMBER 1982

The twelve month period analysed in this report reveals a lack of commitment on the part of the Government of Haiti to removing institutional impediments to the protection of human rights, official disrespect for the rule of law, and a pattern of gross violations of basic human rights in the following areas:¹

(1) Recent background. The effects of the November, 1981, crackdown on journalists, lawyers and human rights activists continue unabated: independent journalists and politicians have been imprisoned, forcibly exiled or silenced; human rights monitors have been forced to disband or to go underground; and an informal and infant trade union movement has been crushed.

(2) Security forces. The complex network of official and semi-official Haitian security forces continues to violate the rule of law by arresting or detaining without charge or explanation persons perceived to be opponents by the Duvalier Government. These forces regularly use severe beatings as an interrogation technique. In August, 1982, a new series of arrests occurred in Port-au-Prince that resulted in the detention without charge or explanation of approximately 35 persons in one of Haiti's political prisons, the Caserne Dessalines. Well known lawyers, engineers, and economists were included among those held incommunicado and naked in isolation cells. Several were threatened and mistreated and others have been prevented from leaving the country.

(3) Legal system. The Haitian Government continues to disregard its own Constitution and international law through the

¹ For additional information, please see the forthcoming report by the Lawyers Committee for International Human Rights, entitled: "Violations of Human Rights in Haiti-June, 1981-September, 1982: A Report to the Inter-American Commission on Human Rights of the Organization of American States."

operation of state security legislation, exemplified by the "Anti-Communist Law of 1969", the annual suspension by the President-for-Life of important articles of the Constitution through enactment of the "Plein Pouvoir" and through the systematic disregard of the rule of law by Haitian security forces.

The practice of granting full powers to the President-for-life during the time when the legislature is not sitting "enables the President to govern by decree for a period of eight months during which time the people are deprived of constitutional guarantees and the most elemental human rights". (OAS ICHR Sept. 1982.)

The Haitian judicial system continues to violate various procedural rights of defendants guaranteed both by the Constitution and by international law. On February 26, 1982, the Haitian Court of Appeals annulled on the basis of a technical sentencing error the August, 1981, conviction of 26 defendants charged with arson and plotting against the internal security of the Haitian state. Eleven of the defendants were members of the Christian Democratic Party (PDCH), including its president, Sylvio Claude. Two others were journalists imprisoned during mass arrests conducted by the Government in late November, 1980. On August 27, 1982, 22 of these defendants were retried on similar charges. All were convicted and sentenced to the maximum term of six years in prison. The defendants were denied access to their families and to legal counsel and none were informed of the specific charges on which they were to be tried until days before the trial began. While in detention, a number of defendants were subjected to harassment, beating and intimidation by members of the Haitian security forces. The trial took place behind road blocks set up by the Government's security forces who surveilled the court house with machine guns. After significant national and international pressure was raised following the August, 1982, convictions, President Jean-Claude Duvalier announced on September 21, 1982, that the defendants would benefit from a presidential amnesty on the occasion of the 25th anniversary of the Duvalier era, September 22, 1982. However, some of the defendants remain under strict house arrest and are forced to register with the Criminal Research office of the police every 72 hours.

(4) Human rights monitors. The Haitian Government is not willing to tolerate the existence of any person or organization that advocates the promotion of human rights in Haiti. The Government has effectively suppressed all activities of the Haitian League for Human Rights through the arrest and beating of some of its members and the forcible exiling or intimidation of others. In addition to direct acts of intimidation against the Haitian League for Human Rights and its members, the Haitian Government announced in April, 1982, the creation of an official agency, the National Commission on Human Rights, to replace private human rights monitors. Other Government human rights offices have been created in the past, but they never issued any substantive human rights communication nor took any specific actions. This newly created Government office made no comment following either the August, 1982, trial described above or the mass arrests that occurred earlier that month.

(5) Political prisoners. Prisoners in Haiti's political prisons continue to face severe mistreatment and violations of their fundamen-

tal due process rights. While international pressure seems to have improved conditions slightly at the National Penitentiary, no change occurred in conditions at other prisons. Most of the defendants at the August, 1982, trial of 22 political prisoners complained in open court of mistreatment, beatings, or torture during their imprisonment. Several persons are known to have died in political prisons in Port-au-Prince during 1982. After the "amnesty" of September, 1982, at least 22 persons remain incommunicado without charge at the National Penitentiary alone. (See Lawyers Committee report for list.)

According to the Inter-American Commission on Human Rights of the OAS, "a considerable number of people remain in the prisons of Haiti without any order from the competent authorities to bring them to trial. It must be added that conditions in the detention centers continue to be worse than deplorable". (Sept., 1982.)

(6) Political participation. The Haitian Government continues to suppress and stifle any effective political activity or opposition. No political parties or independent civic organizations are allowed to operate in Haiti and most independent political leaders are imprisoned or exiled.

(7) Freedom of communication. Freedom of the press is severely curtailed by state security legislation and by a series of press laws that include a highly restrictive act passed in September 1979, and amended in March 1980, which provides for prior censorship and harsh penalties for those who are deemed to have insulted the Duvalier family, the Government, or its allies. In 1982 these open-ended laws continued to be applied to all printed and broadcast media. In March 1982, at its annual meeting, the Inter-American Press Association severely condemned these official restrictions of press freedoms in Haiti.

(8) Trade union rights. In the last two years, the Haitian Government has systematically eliminated all legitimate free trade union activity. All the leaders of the major infant labor organizations have been arrested without charge, forcibly exiled or forced underground. This situation has continued to deteriorate in 1982.

(9) Ministerial changes. Recent changes in the Government have further undermined the prospects for the restoration of basic human rights protections. On July 13, 1982, key ministers pledged to embark on fiscal and social reforms were dismissed without explanation and replaced by persons closely linked to the regime of the late President-for-Life, Francois Duvalier.

(10) "In general, it may be said that no progress has been made in the situation of human rights in Haiti, and that there is no evidence that would lead the IACHR to suppose that there will be any government opening in the near future that will reestablish free democratic life, ideological pluralism or the free exercise of public freedoms." (O.A.S. Sept. 1982.)

PUBLIC WORKS PROGRAMS DO NOT CREATE JOBS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, in response to recent legislation

concerning Federal jobs creation programs supported by a national gasoline tax, these articles have come to my attention. It appears that continued short-term employment legislation only serves to "feed the fire" of long-term economic disaster for the United States. As these articles point out, new public works job programs will not aid in decreasing the present 10.8 percent of unemployment, but actually increase U.S. unemployment in the long run.

A recent study by OMB found that few workers employed in public works projects were unemployed prior to being hired; as few as 12 percent in one program and no more than 27 percent in another. This is so because 50 to 75 percent of jobs created by public works projects require skilled labor, while the core of unemployed labor is unskilled.

OMB also found that public works were a high-cost method of creating employment citing a cost per job of anywhere from \$69,320 all the way up to \$198,059 depending on the number of existing jobs which are incorporated into the program. This low substitution rate is due to two major factors. The first is the high cost of complying with union wage requirements. The second is that Federal public works expenditures have historically replaced many States and local government expenditures, therefore resulting in no net job creation. "Quick fix" public works programs are simply not the answer to our unemployment problems. For these reasons, the following articles by Bruce Bartlett and Lindley Clark, Jr., are well worth my colleagues' attention.

The articles follow:

[From the Wall Street Journal, Nov. 30, 1982]

PUBLIC WORKS PROGRAMS DO NOT CREATE JOBS

(By Bruce Bartlett)

As Congress reconvenes for a lameduck session, congressional leaders seem united on the need for a new public works jobs program to combat unemployment, financed by an increase in the gasoline tax. President Reagan has said he supports the proposal primarily because of the deteriorating state of the nation's highways. Unfortunately, it is highly unlikely that such a program will have any significant impact on reducing the unemployment rate. Indeed, it may even increase joblessness.

The principal problem is that business cycles can seldom—if ever—be identified until they have substantially run their course. Consequently, federal jobs programs invariably aren't enacted or implemented until the recession is virtually, or even entirely, over. This is particularly so because politicians are inclined to react to the unemployment rate, which lags behind the business cycle, rather than to changes in real GNP growth.

For example, the 1954 Economic Report of the President, submitted to Congress in January, asserted that the economic state of the nation was "marvelously prosperous,"

although a downturn had begun the previous July. Similarly, it was not until late in 1960 that it was recognized that a recession had begun in April. And the relatively brief 1969-70 recession was over almost before anyone realized it was taking place.

JOBS WILL NOT BE CREATED IN TIME

Consequently, counter-cyclical jobs programs could not even be enacted until well after a recession had begun. Although the 1960-61 recession ended in February 1961, anti-recessionary actions were still being taken in September 1962, when Congress adopted a \$900 million accelerated public works program to combat the recession that ended 19 months earlier. The Public Works Impact Program was approved in 1972 to fight the recession that ended in 1970. And two public works programs were enacted in response to the 1973-75 recession: one in 1976 and another in 1977.

In addition, a public works program—even if enacted in a timely fashion—will require a significant period before coming on stream. According to a study by the Office of Management and Budget in 1979, less than 8 percent of public works projects can be completed in nine months or less, whereas 30 percent require two years or more. Hence, even if a public works program could be enacted at the beginning of a recession and construction begun within 90 days, the vast bulk of employment wouldn't be created until long after the average recession—which lasts about 12 months—had ended.

Another problem is the relatively low labor intensity of public works projects and the considerable mismatch between the job skills required for construction work and those of the unemployed.

According to OMB, the typical public works project expends only 22 percent of its cost on direct employment. The other 78 percent of expenditures have only indirect employment effects no different from a general increase in government expenditures. In addition, OMB found that very few workers employed in public works projects were unemployed prior to being hired—as few as 12 percent in one program studied and no more than 27 percent in another. And because 50 percent to 75 percent of jobs on public works projects are skilled, the chances of such a project helping unskilled, hard-core unemployed are almost nil.

Finally, OMB found that public works were a relatively high-cost method of creating employment—from \$69,320 for each direct job created, assuming no substitution for existing employment, to as much as \$198,059 per job with 65 percent substitution. The problem is twofold: First, federal public works projects must comply with Davis-Bacon regulations, which effectively force the payment of high union wage rates on all projects.

Second, experience has shown that federal public works expenditures simply replace a large amount of state and local government expenditures for public works, meaning there is no net job creation. The amount of this substitution rises the longer a program is in place, reaching as much as 100 percent according to some estimates.

In addition to the problem of substitution, there is also the problem of job displacement. The jobs program will destroy some jobs even as others are created. This is because the program will cause a reduction in spending for some other federal program, an increase in taxes, or the displacement of private expenditures due to "crowding out."

Putting all this together, consider the current proposal to increase federal expendi-

tures for road and bridge repair funded by a five-cent increase in the gasoline tax. We are already 15 months into the recession with many indicators showing it to be ending. It will take Congress several weeks to enact the proposal even if it works at high speed, with the possibility that final action cannot be completed before adjournment. It isn't such a simple thing for Congress to raise the gasoline tax without also opening up the bill to other tax issues, such as President Reagan's plan to speed next year's tax cut.

Nor will it be easy for Congress to devise a formula for allocating public works money that is fair to everyone. Thus there will probably be considerable debate on the form of the legislation even if there is consensus on the need for it. Assuming Mr. Reagan signs such legislation this year, moreover, it is doubtful that the first dollar can be spent until next spring at the earliest, with fall being a more reasonable starting time.

Also, it is highly unlikely that economic conditions won't have improved by next fall. This means the program will end up being pro-cyclical—increasing, rather than diminishing, business fluctuations. The program will take effect just when it will end up doing harm rather than good.

Perhaps most important, the gasoline tax boost will have negative effects on employment that no one has taken into account. It is certainly not going to do any good for the hard-hit U.S. auto industry. It may simply accelerate the purchase of smaller, more fuel-efficient foreign cars just as the OPEC oil price increase did.

And even if we assume that as many jobs are created as are destroyed—a very questionable assumption—the tax is likely to be implemented first, meaning that the job-destroying effect of the tax will occur before the job-creating effect of the public works spending. Even if the public works spending and the tax could be matched in the timing of dollar flows, the effect would simply be a trade-off between construction related jobs and auto-related jobs.

QUICK FIX IS NOT THE ANSWER

There also will be regional impacts, since the jobs created are unlikely to be exactly where the unemployed currently are or where the additional job loss from the gasoline tax will be. We may end up creating more unemployment in Detroit while creating a labor shortage somewhere else. Congress also ought to consider that any gasoline tax increase will be permanent, whereas the public works will create jobs only temporarily. Thus there will almost certainly be more unemployment in the long run than if Congress does nothing.

The old-fashioned Keynesian remedy assumed that public works were paid for by deficits. Congress could adopt this method in lieu of enacting a new gasoline tax. But given a deficit already approaching \$200 billion and the fact that it would require some \$80 billion in public works expenditures to knock one percentage point off the national unemployment rate, this approach seems implausible.

Moreover, it is unlikely that politicians could argue today, as they did earlier, that there are no negative effects from federal deficits. Many people believe that they are primarily responsible for high interest rates. If this is the case, we would simply be trading jobs in construction for others in housing and other interest rate-sensitive industries, not to mention the negative impact of

higher interest rates throughout the country.

The human cost of 10.4 percent unemployment is unacceptable. But at some point, we must admit to ourselves that quick-fix public works programs aren't the answer. Instead of reacting to the last recession we ought to be working to make sure that the recovery can be sustained.

[From the Wall Street Journal, Nov. 30, 1982]

THE WAY TO EASE UNEMPLOYMENT PROBLEMS (By Lindley H. Clark, Jr.)

Washington is full of ideas for easing the unemployment problems. The trigger for all this was the government's announcement early this month that the jobless rate in October has risen to 10.4 percent of the labor force.

The Democrats were first off the mark, putting together an expensive jobs program that would be financed, at least in part, by savings somewhere in defense. But the administration has its own ideas, some of which are beginning to surface. President Reagan last week endorsed a gasoline tax increase to raise funds for highway and mass transit spending, although he was careful to stress the need for the projects, not their job-creating potential.

It's just as well. One major problem with government job program is that they often provide jobs for people who don't really need them. Fixing up highways and mass transit systems would require skills that just might not be really available among the nearby unemployed.

Nonetheless it seems inevitable that we will go through this sort of exercise at about this point in the business cycle. Unemployment always lags behind the business cycle, and this time is no exception.

When business slows, companies usually wait a few weeks before they start laying off workers. Employers don't know initially how severe the downturn will be or how long it will last. They worry some about employee morale, but they also worry about the costs of training or retraining a work force once the slowdown is past.

In the latest session, companies thought an upturn was under way last spring; they read comments to that effect in this newspaper and others. Instead, the slump dragged on into the summer and fall, so many companies increased layoffs. In September, the jobless rate finally topped 10 percent.

A modest recovery now may be under way, propelled by defense spending, a pickup in housing and modest strength in consumer outlays. But most companies will wait many months to make sure the upturn is for real before they start energetic hiring. The unemployment rate very well may hover around 9 percent through next year.

How do we get off this roller coaster?

John B. Taylor of Princeton looks at a facet of the problem in "Union Wage Settlements During a Disinflation" (National Bureau of Economic Research, Working Paper No. 985). Since 1979 the Federal Reserve has been slowing the growth rate of the money supply in an effort to reduce inflation, and we have indeed had quite a disinflation.

At the same time we've had a lot of overlapping labor contracts, many of them written for three years and most written on the assumption that inflation would continue almost unabated.

Manufacturers who find that their product prices are rising more slowly than labor costs (or aren't rising at all) have few choices. They can go to the unions and ask for concessions. If it's apparent to the unions that the companies are in deep trouble, concessions may be forthcoming, but the current problems of Chrysler show that even such concessions aren't likely to last long.

The chief alternative the employers have is to reduce labor costs by layoffs, and that's the route most have taken.

One reason the problem has been especially severe this time is that the disinflation has been both sudden and erratic. Mr. Taylor suggests that companies might be able to get by the overhang of the three-year labor contracts if the disinflation at the start had been quite smooth and very gradual. Then when unions and management got together to renew the contracts they could do so in the knowledge that the more rapid part of the disinflation was still to come.

"The difficulty with this in practice," Mr. Taylor concedes, "is that wage negotiators have to be convinced that the deceleration will come later even though it is not occurring today. This credibility problem is perhaps the central source of difficulty which is raised by long-term union contracts during a period of deflation."

If the contracts are allowed to continue growing and the Fed continues to slow money growth, don't worry about 10% unemployment—we'll have more than that. If on the other hand the Fed prints money faster, it will permit a resumption of inflation and a validation of the big contracts.

Mr. Taylor offers no solution, and there isn't any easy way out.

We've gone through a lot of disinflation, and the volatility of the money supply has made the adjustment more painful than needed. No one at the moment would urge the Fed to slam on the monetary brakes, as it in effect did more than once in the past three years.

As the Fed has pondered what it has wrought it has been understandably disturbed. In the current uncertain state of the economy there is reason for some caution. It is hard, however, to see any rational argument of reflation, a process that the central bank now seems in danger of starting.

The way to avoid the ups and downs of employment is simple enough to say. Avoid the ups and downs of the economy. That calls for government to reduce its own ups and downs, induced by such measures as stimulative job programs introduced as the economy is moving up on its own.

If we ever lessen the oscillations we can start reducing the absolute level of unemployment, in part by giving people more incentive to work.●

TRIBUTE TO GEORGE TRIEZENBERG

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. RUSSO. Mr. Speaker, an outstanding educator in my district will be retiring at the end of this year—the retirement comes in his 42d year of work in education.

Mr. George Triezenberg, the assistant superintendent for administrative services, Dwight D. Eisenhower High School in Blue Island, has spent these years as a teacher, principal, and administrator. He drew national attention for his remarks on discipline on a Paul Harvey radio commentary and I will include the news coverage of this along with my remarks. In addition, he received the "Those Who Excel" award by the Illinois State Board of Education in 1978.

His professional credentials are so extensive that I can only touch on them here. They reflect a man who has dedicated himself to public service, to the education of our young people and whose talents and caring have no doubt had a profound and positive impact on the many lives he has touched.

He has worked at the elementary, high school and college level teaching and has been principal for five high schools as well as director of the Institute for Teachers of Adult Illiterates at Chicago State University. He has served as president and secretary of the Illinois Association of Secondary School Principals and speaker at both National and Illinois Association of Secondary School Principals conventions. He has been a vice president of the Chicago Principals Club and a member of the General Advisory Committee for the Illinois State Scholarship Commission.

In other areas, he has been a trustee for the Village of Evergreen Park for 12 years and chairman of the police and fire commission for the same village for 2 years and a member of the board of education, Community High School District 231 for 3 years. Numerous articles by Mr. Triezenberg have been published in such publications as the Chicago School Journal, Illinois Vocational Progress, and the NASSP Bulletin.

It is an impressive record. This man has earned the respect he has from those who know him. His clear thinking, as reflected in the remarks which Mr. Harvey felt deserved attention, are what we would like to see more of from our educators. He has also earned some rest, and I know my colleagues join with me in commending him for his work and wishing him well in this retirement.

I would now like to share with you Mr. Triezenberg's thoughts on discipline.

NATIONAL BROADCASTER LAUDS PRINCIPAL'S DISCIPLINE SPEECH

A recent speech on discipline in schools by Eisenhower campus Principal George Triezenberg to the Chicago Suburban Deans' association provided material for a recent radio commentary by Paul Harvey.

The commentary was carried as part of the Paul Harvey news broadcast at noon on May 18 over radio station WJJD.

In an excerpt from that broadcast, Paul Harvey said: "One school administrator is

talking back to the bureaucrats, George Triezenberg, principal at Eisenhower High school in Blue Island, suburban Chicago.

"He told a meeting of county educators not to be afraid to suspend or expel students who deserve to be suspended or expelled. He says he does it.

"Triezenberg has real battle scars to show for his years as a school administrator. Battle scars from violent students and parents.

"But he says any student in his school who uses obscene and vulgar language in a classroom is 'out.' He says we teachers and other students have rights, too. They have a right to an education free from that sort of thing.

"Triezenberg says there are people in our government who want to take away our right to suspend students. But, he says, 'I make no apology to them nor will I hesitate to suspend any student who asks for it by persistent misconduct.'

"Mr. Triezenberg says the classroom violence of the sixties and seventies is subsiding some—is on the downswing—but discipline remains a problem.

"Now, he says, we have alcohol and drugs compounding that problem. We have a bombardment of violence on television and in movies. . . . Today's delinquents have wheels under them. . . . And we have the vanishing impact of home and church. He says the problem used to be the absentee parent. Now it's the absentee parents.

"He asked the assembled educators, 'How often have you tried to telephone the home of a student and been unable to reach anyone?'

"And now, says Mr. Triezenberg, we have these 'numbers reports.' We have monthly statistics supplied by the HEW (Health, Education and Welfare) and the State Department of Education showing the number of suspensions in each school . . . and demanding that the rate of minority students suspended must not exceed the suspension rate for white students.

"That, says the principal, is 'ridiculous-totally ridiculous.'

In his speech to the deans, Triezenberg went on to say, "The only legal, moral, professional and justifiable basis for suspensions and expulsions is gross and/or continuous misbehavior which results in the abuse of staff, students and property and that conduct which disrupts the educational process."

"The color of one's skin has no bearing on the decision," he added.

Triezenberg was one of the featured speakers at the Student Violence and Truancy program sponsored by the Office of Cook County Superintendent Richard J. Martwick in conjunction with the Chicago Suburban Deans' association. The topic of his address was Administrative Approaches to Preventing Violence.

The Eisenhower campus principal focused on discipline as a means of preventing violence. He told the deans that discipline is one of the most important concerns in schools today.

Parents, teachers, the public at large and even the students themselves are demanding that discipline be maintained in the classrooms, he said.

Triezenberg pointed out that discipline which is "prompt, consistent and fair" is a key to preventing disruptions and outbreaks of violence in the schools.●

VICA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. SKELTON. Mr. Speaker, our Nation is currently facing a shortage of skilled workers that threatens our position as a world leader in agriculture and industry, and endangers our national security. This problem must be solved through a coordinated effort of the educational community, parents, private industry, and government.

I am pleased to note that there is one group which is already doing its share. The Vocational Industrial Clubs of America (VICA) is a national organization for students preparing for futures in the trade, industrial, technical and health occupations. The 250,000 student members are dedicated to the development of their occupational skills, and, moreover, they adhere to the ideal that the Nation's craftworkers and technicians must possess qualities of leadership, citizenship, and character to complement their occupational skills.

When the 98th Congress convenes in January, I will push for early consideration of a resolution to designate the week of February 6, 1983, as National VICA Week to focus the attention of the American people on the important contributions being made by these students.●

STUDENT LOAN DEFAULTERS
MUST BE ELIMINATED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation which will assist us in our ongoing efforts to track down those students who have failed to repay their guaranteed student loans—loans that were made with the full faith and credit of the U.S. Government and are now the subject of collection activities by the Department of Education and State agencies which administer this program.

As a result of the Debt Collection Act of 1982, efforts have been stepped up to match the lists of defaulters with Federal employees. As a result of this activity, a total of \$9 million has been recovered and another \$68 million will be collected from 47,000 Federal employees. My bill would build upon this practice by authorizing the Secretary of Education to take steps to encourage States to match their delinquent lists with those of State employees. Such action would uncover even more names and would facilitate

the Department and States in their loan collection efforts.

Currently, this matching with State employee lists is only done by three States—New York, New Jersey, and Pennsylvania. In a survey of State guarantee agencies it was revealed that the remaining States are not doing this matching because they either never thought of it, they did not want the publicity or they felt that the cost of such an effort would not yield a high enough number of defaulters to be worth it. In the case of small States which have just entered into the program, my bill provides an exemption for them by allowing the Secretary to waive such action in their case.

In my own State of New York, I am pleased to report that our activities in the past 3 years have yielded the names of nearly 5,000 State employees in default. Clearly, this practice can—and should be reproduced in other States. We cannot allow the abuse of this very worthy program to continue and I am confident that my bill would help us to end it.●

JOBS WITH PEACE RESOLUTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. EDWARDS of California. Mr. Speaker, today I have introduced a resolution addressing the jobs with peace referendums which passed by large margins everywhere they were on the ballot—including Baltimore, Md., Lansing, Mich., Pittsburgh, Pa., and San Jose, Calif. This resolution expresses the sense of the House that more money should be made available for jobs and programs in education, transportation, housing, health care, human services, and other socially productive industries, by significantly reducing the amount of our tax dollars spent on nuclear weapons, foreign military intervention and wasteful military programs.

The message from the voters on November 2 was loud and clear, and in direct opposition to the current policies of the Reagan administration. With an average affirmative vote of 65 percent, the people of America have called upon the U.S. Congress to divert a significant amount of money from military programs and use these funds to stimulate jobs and industries in more socially oriented programs.

Despite the growing opposition from many Americans, next year's military budget will still average more than \$1,200 from each wage-earning taxpayer. While 10 million of our citizens are out of work, the Reagan administration is embarked on the largest peacetime military buildup in U.S. history—

more than \$1.7 trillion over the next 5 years. This program will cost the average American family over \$20,000 in income taxes. These huge military expenditures are a major factor underlying the social and economic crisis which we are currently facing.

Our Nation's industrial base is rapidly eroding. Steel, auto, construction, and other essential industries have been forced to lay off hundreds of thousands of workers. Every dollar spent on military programs creates far fewer jobs than that same dollar spent on civilian activities. Federal dollars that should be invested in jobs and modern industries are being drained off into weapons production. These huge military budgets are contributing to large Federal deficits and high interest rates.

The people of America have called upon the U.S. Congress to redirect significant amounts of Federal dollars currently being spent on nuclear weapons and other wasteful and dangerous military programs, and to make these funds available to the more productive social industries.

Even in my own district, San Jose, Calif., where many of my constituents are employed in Silicon Valley, where the military industries benefit from weapons contracts to the tune of \$2 billion per year, the referendum was passed by a surprising 62.3 percent. Congress cannot afford to ignore this mandate from the American people.

This public outcry must be kept in mind as the 98th Congress begins its session. We must begin to develop strategies and legislation which will support and strengthen expanded jobs programs funded by savings in the military budget. We must also strengthen our opposition to nuclear weapons systems, increased military spending, and wasteful weapons programs all funded by further cuts in our much needed social programs.

I introduce this resolution today, with 52 of my colleagues, to acknowledge that the voice of the American people has been heard. The military budget cannot continue to grow at the expense of the American citizens. We are hopeful that this resolution will set a precedent for the direction of the 98th Congress, where the Federal Government will no longer be funding a Pentagon "wish list," and this money will be spent instead on industries which can actually get Americans back to work, and the United States back on the road to prosperity.

COSPONSORS OF THE JOBS WITH PEACE RESOLUTION INTRODUCED BY CONGRESSMAN DON EDWARDS OF CALIFORNIA

Joseph Addabbo, Les Aspin, Les AuCoin, Michael Barnes, Philip Burton, William Clay, John Conyers, William Coyne, George Crockett, Ron Dellums, Merv Dymally, Joseph Early, Bob Edgar, William Ford, Wyche Fowler, Barney Frank, William Gray, Steny Hoyer, Robert Kastenmeier,

Ray Kogovsek, Jim Leach, Mickey Leland, Mike Lowry, Ed Markey, Robert Matsui, Nicholas Mavroules.

Barbara Mikulski, Norman Mineta, Parren Mitchell, Joe Moakley, Richard Ottinger, Leon Panetta, Donald Pease, Charles Rangel, Henry Reuss, Peter Rodino, Ben Rosenthal, Patricia Schroeder, Charles Schumer, John Seiberling, James Shannon, Paul Simon, Stephen Solarz, Pete Stark, Louis Stokes, Gerry Studds, Doug Walgren, Harold Washington, James Weaver, Ted Weiss, Tim Wirth, and Howard Wolpe.●

GEORGE KISTIAKOWSKY—A CHAMPION OF ARMS CONTROL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. MARKEY. Mr. Speaker, I am saddened by the death of George B. Kistiakowsky, professor emeritus of chemistry at Harvard University, on December 7. I have always had the utmost respect for his expertise and his deep commitment to arms control. Professor Kistiakowsky came to the United States in 1926 and taught for most of the time at Harvard University until he retired in 1971. As one of the Nation's leading scientists, he was very much involved in the Manhattan project of the Los Alamos Laboratory. Later, he chaired President Eisenhower's Science Advisory Committee from its inception in 1957 until 1963. As special assistant for science in the Eisenhower administration, the highest scientific position in this country, he had to deal with issues such as the space program and the negotiation of the test-ban treaty.

I would like to emphasize that Dr. Kistiakowsky belonged to that small group of scientists who understood fairly soon what the explosion of the bomb meant to mankind. "After working so long on those weapons, I came to the conclusion the time had come to control them," he said in 1980.

This indeed was the motto that governed his activities, especially as chairman of the Council for a Livable World, and also in numerous articles he wrote and speeches he gave on security and arms control issues. Mr. Speaker, with George Kistiakowsky this country has lost a dedicated and convincing advocate of arms control. His commitment, I am sure, is now being taken up and spread by the nuclear freeze movement that is gaining strength in this country.●

SUPPORT THE PEACE CORPS: A FIRST-CLASS AMERICAN EFFORT

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. PORTER. Mr. Speaker, it has been said, truly, that there are few Government programs that accomplish their intended purposes, and only a minuscule handful that do so efficiently and at low cost to the taxpayers.

One that does both and does both extremely well is the Peace Corps. For less than \$100 million we have representatives of our country building good will and understanding in developing nations throughout the world and spreading, in their own ways, the messages of freedom and free enterprise and hope for the future that this country represents—but otherwise only in the abstract—to people everywhere.

It has been said that foreign assistance is an expensive luxury that we cannot afford, particularly in time of economic distress. Such statements represent either colossal ignorance about our budget or the economy, or both, or are loaded with demagoguery.

Foreign assistance, both economic and military, makes up less than 1½ percent of our budget. The funding for the Peace Corps presently amounts to less than 1 percent of that small foreign assistance budget. But the good that can be done—is immeasurable.

Mr. Speaker, in country after country that I have visited, talking with our foreign service people who see the work of the Peace Corps every day, without exception they have attested to the worth of this program.

Too often, foreign assistance is structured only government to government or government to multilateral institution to government. Only a tiny portion reaches out to the people of developing nations directly with the American message.

The Inter-American Foundation, Voice of America and similar broadcasting entities, USIS and the Peace Corps are all low-cost efforts that have a tremendous payoff in terms of good will and understanding for our country, in addition to the real help we provide to others.●

EDWARD J. DERWINSKI

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Ms. OAKAR. Mr. Speaker, I would like to take this opportunity to pay tribute to an outstanding Member of Congress, the Honorable EDWARD J.

DERWINSKI, whose presence this body will surely miss as we begin deliberating the Nation's business in the 98th Congress.

I have had the pleasure of serving with Representative DERWINSKI on the Committee on Post Office and Civil Service where he is the ranking minority member. His quick wit, good humor, and incisive intellect have added much to our legislative and public policy debates.

Representative DERWINSKI first entered Congress in 1958 and since then has represented the people of Illinois' Fourth Congressional District with unmatched vigor and dignity.

Representative DERWINSKI, who has spent almost his entire adult life serving our Nation, will soon take up a new challenge with the U.S. Department of State where his many talents will continue to ably serve the public interests.

The members of the Committee on Post Office and Civil Service will particularly miss Representative DERWINSKI. He has worked diligently to maintain a competent, efficient Federal work force and a Postal Service which is the best in the world. We will all miss Ed's flamboyancy, sense of humor, and good judgment.●

THE CRISIS OF WORLD DEBT

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. REGULA. Mr. Speaker, I commend the following article from the most recent edition of the Economist on the problems associated with world debt, especially debt on the part of our Latin American neighbors.

[From the Economist, Dec. 11, 1982]

BOTTOMLESS DEBT

The International Monetary Fund wants the world's banks to stuff yet more dollars into the stocking of Latin American's debt. The banks have little choice but to concede. They know as they do it, however, that the money will probably not be seen again; indeed, they will be lucky even to get paid the interest. None the less, Santa Reagan was in Brazil last week lending an extra \$1.2 billion. Santa IMF is wrapping up a three-year loan of \$3.9 billion to Mexico, before catching his sleigh to Argentina and Venezuela (see our special section on pages 69-76). And those much more reluctant Santas, the bankers, have this week not only been asked to reschedule \$16 billion of Mexican debt but also to come up with another \$5 billion in new loans.

In all about \$300 billion of debt is owed by Latin America. The new money that is now being poured in is being lent not for productive long-term capital investment but for a more immediate purpose: to prevent a horrendous jolt to the world's banking system. That jolt would follow if any major debtor—in Latin America alone, count Mexico, Brazil, Argentina, Venezuela—failed to meet

its interest payments. Constant last-minute injections of cash by central private banks have managed, just, to keep that time at bay. So far. Should that time come, however, it would send a hurricane through Wall Street; it would cause the certain collapse of a number of American banks; it would set the price of gold flying; it would produce political chaos in the defaulting country; and, worst of all through a crisis in confidence, it would put off hopes of a world economic recovery.

Unfortunately there are good reasons to give the shadow of that fear some substance, reasons of which every banker is frightened and aware. Look at some of the causes of pessimism.

BANKERS FALL WITH THE OIL PRICE

1. Oil. Here the bankers cannot win. For although Brazil could more readily repay its debts if oil prices fell, and although western Europe's, Japan's and countless small economies' balances of payments would gain, Mexico and Venezuela in Latin America and Nigeria in Africa would be even less able to cope. And it is those countries which would cause a crash before the benefit of a cheaper oil bill seeps through to the rest. Mexico is now the United States' largest supplier of oil. Not being an Opec member, it is selling every drop it can at heavy discount, thus undercutting Venezuela. But the unseasonably warm weather in north-east America has piled more spare oil on to what was already an enormous glut. Prices will fall further, giving Mexico ever less hard currency. A falling oil price also means a less affluent Middle East, which will, therefore, want back the money it lent to the banks which in turn lent it to—you guessed—Latin America. It is not surprising that a number of heretical bankers have become stronger advocates than Sheikh Yamani of higher oil prices.

2. The exposure of the banks. This is hard to quantify, but, unfortunately, harder to exaggerate. The largest nine American banks have lent the equivalent of 50 percent of their capital and reserves to Mexico alone. Some 1,600 banks are now being asked to participate in Mexico's rescheduling. Several hundred small country banks in the south of the United States, wanting to keep in with the big banks, joined in large syndicated loans to the Mexicans. Worse, they made many dubious business or personal loans in the days before exchange controls and before the Mexican peso was devalued by some 70 percent; many of these will not be repaid. The American securities and exchange commission and the Federal Reserve are watching developments by the day. Someone somewhere will squeal soon.

3. Interest rates. Nothing makes repayment more difficult for Latin America than high interest rates. For Mexico and Brazil, each one percentage point drop in interest rates saves each country around \$750m a year. Yet though rates have come down, they remain stubbornly high in real terms and the extra premium these countries have to pay has shot up.

4. Politics. There is a curiously perverse reason for fearing that Latin America's debt problem may prove particularly difficult to shake off. It is that the governments of Mexico and Brazil (though not of Argentina) are, just now, particularly good governments. Mexico's new president, Mr. Miguel de la Madrid, pledged himself to meeting his country's debts by swallowing the IMF's proposed medicine. He has kicked out the disastrous economic policies that his predecessor's men learnt in Cambridge, England—

huge budget deficits, bank nationalisation, exchange controls—and replaced them instead with those learnt at Cambridge, Massachusetts (there are four Harvard men in his cabinet): tight budgets, tax reform, private incentives. Good. The bankers are rightly happy. The snag is, however, that if this orthodoxy falls or stumbles on at too high a political cost, then the alternative cry from both Mexico and Brazil may be for willing default and a move to the left. These governments, in effect, are the last, best chance that the IMF or the bankers will get. And that puts added pressure on them, of course, to lend yet more money.

THE WAY OUT

What advice can be given to escape these bleak prospects? First to you, gentle reader: study those bank shares in your equity portfolio. The banks know they have little chance of escaping large write-offs in their future accounts. They have to follow the IMF in the hope that time can be bought, that world trade, and therefore commodity prices, will pick up and that interest rates will fall. Apocalypse tomorrow is better than apocalypse today.

Not that every bank is happy with the IMF, which is accused of having kept secret the extent of Latin America's troubles. The IMF argues that it has to observe the confidentiality of information given to it by member countries, though that rule certainly now needs to be broken. In fact, the banks have nobody but themselves to blame. For many years they lent on risks that were known to be bad, and did so merely because their competitors did so, because they did not want to be left out of the crowd. Just a year ago the bankers, for example, were queuing up to lend to third-world Mexico at rates only one-fourth percent over their loans to western Europe. Some of the old-fashioned virtues of the high-street bank could well be learned again by America's largest lenders.

Second, western governments will, whether they like it or not, soon be getting deeply involved in solving Latin America's—and the world's—financial crisis. The banks are screaming for it. It was perhaps a sign that America is turning its gaze to international solutions that it has hitherto disdained when the treasury secretary, Mr. Don Regan, turned up in Frankfurt this week suggesting a new Bretton Woods agreement.

The last, most obvious lesson is for Latin America itself. What nonsense it is to believe that money equals wealth. Mexico would be a much wealthier country today had it borrowed \$40 billion rather than \$80 billion. Its money would have been sounder; its economy would have grown stronger; its unemployment would have been less; and its politicians would have been poorer. That is a paradox which Latin America still does not fully understand. Having borrowed and spent so foolishly it now has no credit left. Santa Claus will not be heading south again.

SHIRLEY CHISHOLM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 1982

● Mr. CONYERS. Mr. Speaker, the Congress and the country will miss the service of SHIRLEY CHISHOLM when the new Congress convenes in January.

She was an inspiration to all of us, not just as a superb legislator, but also as a political leader who gave voice to the tens of millions of Americans who still are voiceless in the political system.

She fought harder than anybody I know for public education and education for the disadvantaged.

Among her devoted constituency, not just in New York, but throughout the Nation, she will also be remembered for her bold, courageous decision in 1972 to offer herself as a candidate for President of the United States. Her candidacy, I am sure, accomplished as much to bring into the political system women and minorities as any other political decision or event of that era. I wish her the best of everything, and hope that she continues to give voice to the concerns that she championed for so many years in Congress.

PASSAGE OF THE CARIBBEAN BASIN INITIATIVE IS CRITICAL

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. BARNES. Mr. Speaker, during the next day or so, this body is going to decide the fate of the Caribbean Basin Initiative. If we fail to consider the bill reported by the Ways and Means Committee, or if we defeat that bill, we will be giving our friends and allies in the region a reason to doubt our word. Over the last year, we have been telling the countries of the Caribbean and Central America that we are concerned about them. We have told them that we cannot solve their problems, but we can and will help them. We have said that trade is part of that answer, and that the CBI is a small piece of encouragement to expand economic activity.

I think that anyone who visits with the leaders of the Caribbean and Central American countries quickly realizes that this is a terribly important issue for these countries and for the future of our relations with them. If we fail to pass the CBI, I fear that the repercussions will produce an extremely severe setback for U.S. foreign policy. If we fail to act now, I fear that for years to come, the Caribbean Basin Initiative will be a term that means broken promises and not what it should and can be, the beginning of a new and expanded partnership between us.

To those of my colleagues who are still undecided on this issue, I would like to ask you to read an article written by Robert Pastor, that was published in the Miami Herald. Mr. Pastor makes clear that there are no incompletes for the Caribbean Basin Initia-

live: the United States either passes or fails this key test in the region:

THE CARIBBEAN NEEDS REAGAN'S ATTENTION
(By Robert A. Pastor)

President Reagan will face his real Latin American and Caribbean challenge only when he returns to Washington. The trade and tax provisions of the Caribbean Basin Initiative (CBI), which he launched last February, have been languishing in Congress ever since. Either President Reagan chooses to push this initiative through to passage, or his credibility in the region, which he described as of "vital interest" to the United States, will be shot.

After Congress passed the \$350-million aid portion of the CBI—about one-third of which was aimed for El Salvador—the administration seemed to lose interest in the rest of the program. If the CBI remains incomplete, those who viewed the administration's program as positive will be seriously disappointed. The cynics who said that the CBI's most positive and innovative features—the trade and tax incentives—were only a way to dress up and justify the massive aid to El Salvador will be proven right.

There are only two weeks left in this congressional session, but Congress—like the rest of us—works hardest with a deadline. To retain his credibility in the region and to win passage of the CBI, the President will need to do three things:

First, raise the CBI from the tenth to the highest political priority and forge a bipartisan coalition to win passage of the bill;

Second, fight off any attempts to water down the proposal; and

Third, accept a number of modifications that will improve the developmental impact of the CBI.

First, President Reagan has already repeatedly demonstrated that if he gives an issue the highest priority, he can win Congress's approval; this is particularly true in the area of foreign affairs. Up until now, the administration's rhetoric and political-military strategy to the region have antagonized the Democrats almost as much as it has polarized the region. Having failed to reach across the political aisle while he was strong, President Reagan ought to do so now that the CBI is in jeopardy. Rather than blame the Democrats, he ought to enlist their support. Just as he did on the AWACs sale, President Reagan ought to invite Presidents Carter and Ford and the senior national security leadership of previous administrations to join with him on a genuinely nonpartisan basis for passage of the CBI.

Secondly, much of the initial work ought to be in scraping off the barnacles of restrictionist amendments that the subcommittee on trade of the House Ways and Means Committee attached to the bill. The key part of the CBI is the promise that Caribbean Basin products—except sugar, textiles and apparel—will be able to enter the U.S. market duty-free. Even though this only amounts to about 11 per cent of their current exports, this incentive can have a dynamic effect on the region's economy, particularly on the smallest countries. Although the aggregate impact of such exports on the United States will be marginal, still many fearful and uncompetitive industries—representing producers of rum, leather goods, footwear, luggage and handbags, and work gloves—have already successfully lobbied to exempt their products from the program. Other groups representing tuna fish processors, petroleum products and

auto parts are already lining up at the trough seeking further exemptions.

The CBI is one Christmas tree that will look much better without these baubles and bangles. The most serious challenge facing the President and Congress is to pass the one-way free trade provisions without exempting the products that could make a difference for the development of the region. But that doesn't mean that the Congress should allow the administration bill to pass untouched; it can improve on it just as it did in amending the administration's aid bill in order to provide more money for the democratic countries and more in development loans rather than balance-of-payments support.

From the perspective of promoting development in the Caribbean, it would be extremely desirable to repeal the sugar quota program, as this has reduced sugar exports by about one-third and is particularly hurting friendly, democratic countries like the Dominican Republic. Similarly, duty-free textile exports would undoubtedly help the region, and only be at the expense of Asian rather than American producers. But these two acts would probably engender more political opposition than the bill could accept at this time, literally breaking Santa's back. Still, other improvements are possible.

If the CBI is to succeed, it must address the problems generated or not addressed by its precursor, Puerto Rico's Operation Bootstrap. Specifically, it must be revised to emphasize agricultural development, population control and integrating new investments into the national economies. As the trade and tax provisions are currently written, they will encourage "enclave" industries, which import most or all of their raw materials and export their entire products. Moreover, the tax provisions are biased to encourage capital-intensive investments by wholly-owned foreign investors. This can and must be corrected. With nearly half the population under 15, the creation of jobs in the Caribbean Basin during the next two decades has to be one of the region's highest priorities, particularly because of the new—and needed—U.S. immigration law, which will prohibit illegal migration. The bill should be revised to encourage joint partnerships, to assist rather than crush the local private sector, to promote labor-intensive investments that create jobs, and to invite plants that will integrate themselves into the national fabric. For example, the United States ought to help the tourism industries to establish "backward" linkages to purchase food locally and "forward" linkages to handicraft industries.

Moreover, instead of undermining the Caribbean Development Bank, the United States ought to literally join the Bank rather than fight it, and instead of negotiating bilateral investment treaties and trade agreements, the United States ought to do everything to encourage regionalism. Congress needs to review the administration's balance between regional and bilateral aid, which should be increased in the eastern Caribbean, and between private sector development and aid for public infrastructure projects that function as the necessary prerequisites for private investment. Building on the ingenious but risky new program run for AID by Coopers & Lybrand to attract private investment, the United States should explore other ways to assist the private sector—perhaps an "Adam Smith" Volunteer Program, whereby junior executives from various corporations would volunteer their services for, say, one year to help get

local entrepreneurs started. But the administration should be wary about concentrating exclusively on the private sector when so much remains to be done in the public sector.

The entire U.S. aid program, which has largely been unchanged since 1973, is in need of wholesale re-examination and overhaul. Currently, U.S. aid to spread so thin on so many marginal projects that it wastes scarce economic resources, not to say political capital. Two or three priority projects ought to be identified in each country, and all our resources directed to completing them; this would provide the countries with priority projects and also the kind of psychological momentum so necessary to development.

There is much that can be done and the CBI can give these efforts new impetus, provided that President Reagan himself returns from his trip determined to give a Christmas present to the region—but one with beautiful new ornaments rather than baubles, bangles and barnacles. Florida's leaders—Gov. Bob Graham, Miami Mayor Maurice Ferre and Congressmen Dante Fascell and Sam Gibbons—have all played important roles pressing for more attention to the CBI. One hopes that the Sixth Annual Conference on the Caribbean, which they are all hosting, will send a clear and forceful message back to Washington: There are no incompletes for the Caribbean Basin Initiative; the United States either passes or it fails this key test in the region.■

**CITIZENS SET EXAMPLE IN
BURDETT, KANS.**

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. ROBERTS of Kansas. Mr. Speaker, during a time when economic conditions are forcing self-sacrifice on all levels of government, I want to take this opportunity to bring to the attention of my colleagues the example of the citizens of Burdett, Kans.

Burdett is the boyhood home of Dr. Clyde Tombaugh. Several months ago the citizens of Burdett honored Dr. Tombaugh for his outstanding career in astronomy—it was Clyde Tombaugh who made the discovery of the planet Pluto, along with many other astronomical findings.

But, the story does not end at that point. The citizens of Burdett took it upon themselves to establish a historical marker for Dr. Tombaugh. In this effort, they received no State or Federal money for the project. The \$900 cast metal marker was acquired totally by the local Lions Club, homemakers unit, and the American Legion. Nearly every member of the Burdett community assisted in this project.

I draw this to the attention of my colleagues when a majority of this body finds it necessary to appropriate taxpayer dollars for memorials of all types costing millions of dollars—dollars that could come in part from the private sector.

The motto of the State of Kansas is "Ad Astra per aspera" or "Through the stars through difficulty." Dr. Tombaugh's career is a living example of that motto and by their example of honoring their favorite son, the citizens of Burdett, Kans., have also set a similar example.●

POETIC PROCLAMATIONS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. PEPPER. Mr. Speaker and Members of the House, let me commend again to your attention the effort to establish a nationwide poetry day, which would serve to glorify the literary art responsible for raising our languages and dialects to their highest form of expression.

Among the men and women here assembled, among people all through the land, and especially among professional bards, one sometimes hears more than clarity and correct language: Flights of rhythm and words that suggest new feelings and ideas out of old truths placed in a novel frame.

I urge your support for Poetry Day now pending before us and proudly bring to your attention the excerpted proclamations of 36 Governors who have taken the lead in honoring that ancient craft which can be a well-spring of joy and spiritual inner healing:

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry;

Now, therefore, I, Ed Herschler, Governor of the State of Wyoming, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, the State of Wisconsin has a unique tradition of enriching the lives of its citizens through recognition of our state's gifted authors, writers, artists, composers, performers and craftspeople; and

Whereas, the people of the State of Wisconsin are pleased to especially salute our poets, writers of rhyme and simplicity, rhythm and reflection, our special authors of images and imagination, human pathos and parody; and

Whereas, in conjunction with international observances, the National Poetry Committee annually celebrates Poetry Day on October 15th and we are pleased to share in that observance;

Now, therefore, I, Lee Sherman Dreyfus, Governor of the State of Wisconsin, do hereby proclaim October 15, 1982, Poetry Day.

PROCLAMATION

Whereas, the poetry and culture of this generation will be a heritage of inestimable value and inspiration to succeeding generations; and

Whereas, it is fitting that our people be made aware of this treasury of wisdom and beauty, that their lives may be made fuller and more meaningful through the enjoyment and appreciation of the Art of Poetry; and

Whereas, Poetry is the common property of all men, enriching the life of the individual as it forms a bond among all who share the human condition.

Now, therefore, I, John D. Rockefeller IV, Governor of the State of West Virginia, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, poetry reaches for the spirit of communication and brings the joy of expression to all people; and

Whereas, poetry deserves to be lifted to its rightful place as held in our historical past; and

Whereas, poetry opens all our minds to a wider concept of harmony; and

Whereas, the purpose of Poetry Day is to remind people that a love for poetry is the heritage of every person and to encourage today's poets, especially those in Washington State;

Now, therefore, I, John Spellman, Governor of the State of Washington, do hereby proclaim October 15, 1982, as Poetry Day.

CERTIFICATE OF RECOGNITION

Poetry is timeless. Among the most beautiful and enduring of the gifts of the ancient world, it is the most powerful and inspiring instrument by which literate civilizations immortalize the grace and spirit of their language. Poetry touches, it captivates, it enriches, and it ennobles all that is, and has been, most creative in the human spirit.

To honor the priceless legacy poets have left to our society, and to commemorate the influence of poetry upon our lives, the National Poetry Day Committee has set Friday October 15, 1982, as Poetry Day throughout the United States. In recognition of this special occasion, I, Charles S. Robb, call upon all Virginians to pause in attention to Poetry Day.

OFFICIAL MEMORANDUM

October 15, 1982, will be observed as Poetry Day throughout the world. This day is set aside to honor those poets of the past and present who enrich the lives of so many people.

Poetry Day observance was organized in Texas in 1947 and has grown since that time to a worldwide event. It is celebrated throughout the United States and in 40 foreign countries.

Our State is proud of its poets and of the poetic expression which have originated here, and in recognition of their contributions to our cultural life it is fitting that we should set aside a day to honor those poets of the past and present.

Therefore, I, William P. Clements, Jr., as Governor of Texas, do hereby designate October 15, 1982, as "Poetry Day."

PROCLAMATION

Poetry has long appealed to the intellectual, aesthetic and romantic instincts of all people and has been an important form of human expression throughout history. Whether in written or oral form, poetry has affected citizens around the world with its beauty of language.

From the artists of the revolutionary era such as Francis Hopkinson and Philip Fren-

eau to award-winning 20th century poets such as Marianne Moore and Gerald Stern, Pennsylvania's poets have been an inspiration to thousands of writers whose creative endeavors enrich our lives. These poets have often served as the voice of conscience as well as beauty, and it is appropriate that we pay special tribute to them.

Therefore, I, Dick Thornburgh, Governor of the Commonwealth of Pennsylvania, do hereby proclaim October 15, 1982 as Poetry Day.

PROCLAMATION

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry;

Now, Therefore, I, Richard W. Riley, Governor of the State of South Carolina, do hereby proclaim October 15, 1982, as Poetry day.

PROCLAMATION

Whereas, poetry is a form of art that tells of happy times and sad times, but always speaks from the heart of the writer to the soul of the reader; and

Whereas, poetry can whisper as softly as a breeze through a cool Tennessee forest or echo the passion of man's battle for survival; and

Whereas, poetry can be seen as words set to "magic" and can help all who hear it to appreciate the deeper and more meaningful side of life; and

Now, Therefore, I, Lamar Alexander, as Governor of the State of Tennessee, do hereby proclaim October 15th, 1982, as Poetry Day.

PROCLAMATION

Whereas, through the adoption of a joint resolution of the Ohio General Assembly in January, 1938, Ohio became the first state in the Union to exercise its legislative authority in promoting the fine art of poetry in the public schools and in seeking to assure it the high cultural position it merits in the public mind; and

Whereas, the Ohio Department of Education, recognizing that this phase of culture, like music and the kindred arts, exerts a molding influence in helping to shape the ideals and purposes of our nation, has issued fine anthologies for use in the public schools and has cooperated with the Ohio Poetry Association in the preparation of the special school programs; and

Now, therefore, I, James A. Rhodes, Governor of the State of Ohio, do hereby designate Friday, October 15, 1982, as Ohio Poetry Day.

PROCLAMATION

Whereas, poetry has been honored as an art and as an important part of our society's cultures; and

Whereas, the United States has been honored by being selected as the site of the Fifth World Congress of Poets in 1981; now

Therefore, I, James B. Hunt, Jr., Governor of the State of North Carolina, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Throughout the ages, poetry has reflected the imagination and creativity of many civilizations.

New York State takes pride in its rich literary heritage and in the many poets who live and practice their art in our State.

Poetry is taught in our schools and used on many occasions in our lives to enhance special activities and events.

Now, therefore, I, Hugh L. Carey, Governor of the State of New York, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry; and

Now, therefore, I, Bruce King, Governor of the State of New Mexico, do hereby proclaim October 15, 1982, as "Poetry Day."

PROCLAMATION

Whereas, the poetry of the past and present can serve to strengthen and enlarge the human spirit for the tasks ahead; and

Whereas, the ideals of freedom can find in poetry a powerful medium for impressing their meaning on the minds of men, as the greatest of New Jersey's many poets, Walt Whitman, supremely demonstrated;

Now, therefore, I, Thomas H. Kean, Governor of the State of New Jersey, do hereby proclaim October 15, 1982, as "Poetry Day."

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry; and

Now, therefore, I, Robert List, Governor of the State of Nevada, do hereby proclaim October 15, 1982, in Nevada as "Poetry Day."

PROCLAMATION

Whereas, the purpose of Poetry Day is to promote the appreciation of one of our civilization's oldest and highest art forms; and

Whereas, Montanans are surrounded by the inspiring beauty of nature's timeless designs and the mountains and open spaces defy description in common words; it is appropriate that there be a day to encourage the appreciation of poetry; and

Whereas, I am certain there are many in this state with the perception and voice to capture the magnificence of Montana with words, there should be a day to encourage the creation of poetry.

Now, therefore, I, Ted Schwinden, Governor of the State of Montana, do hereby proclaim October 15, 1982, as "Poetry Day."

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry; and

Now, therefore, I, Christopher S. Bond, Governor of the State of Missouri, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many talented Mississippians write poetry; and

Whereas, the World Poetry Day Committee will celebrate its sixth annual world Congress in 1982, and many Mississippians will be involved in that Congress;

Now, therefore, I, William F. Winter, Governor of the State of Mississippi, do hereby proclaim October 15, 1982, as Poetry Day.

EXECUTIVE DECLARATION

Poetry is the quiet voice of the soul; it struggles to be heard in a world deafened by the roar of machinery.

Poets have contributed significantly to preserving the spiritual element that is unique to humankind.

Poetry has helped humanity to develop culturally and intellectually, and has had a great impact on life as well as literature.

The Poetry Society of Michigan has brought honor to our state and to the literary accomplishments of its members through its active encouragement of professional standards, high quality and literary recognition.

Therefore, I, William G. Milliken, Governor of the State of Michigan, do hereby declare October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, the Legislature of the State of Maine has mandated that October 15 of every year be designated by proclamation as Poetry Day; and

Whereas, poetry is an honored art form in our culture with a long tradition here in the State of Maine; and

Now, therefore, I, Joseph E. Brennan, Governor of the State of Maine, do hereby proclaim Friday, October 15, 1982 as Poetry Day.

PROCLAMATION

Whereas, people of all ages have universally turned to poetic expressions throughout the centuries as a means of expressing thoughts and hopes of their generations; and

Whereas, much of this poetry has come to us in the Twentieth Century as a cultural heritage of inestimable value, passed down form folklore, patriotism and religion of the past, giving tone and character to the culture of today; and

Whereas, the poetry and culture of this generation will given similar inspiration and strength to the lives of coming generations,

Now, therefore, I, David C. Treen, Governor of the State of Louisiana, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, Poetry not only provides the opportunity to express one's feelings but also serves as a meaningful tool in the development of our cultural society; and

Whereas, Poetry is taught in our schools to give our children a sense of culture and historical perspective on great poets of our past; and,

Whereas, There are many talented citizens in our state who write and enjoy this form of literature; and,

Now, therefore, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry; and

Now, therefore, I, John Carlin, Governor of the State of Kansas, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

"The world is so great and rich, and life so full of variety, that you can never lack occasions for poems." Goethe

For centuries, a day in October has been set aside to acknowledge the contributions of the world's poets to our lives.

The unique insights that each artist expresses forever alters, even if in a minute way, our own conception of the world.

It is especially fitting that Illinois, birthplace of poets of international, prize-winning stature, such as Carl Sandburg, Edgar Lee Masters, Vachel Lindsay, Archibald MacLeish and Gwendolyn Brooks participate in such an observance.

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry; and

Whereas, in the United States we have many outstanding poets and numerous Idahoans who contribute to the great poetry of our country;

Now, therefore, I, John V. Evans, Governor of the State of Idaho, do hereby proclaim October 15, 1982, to be Poetry Day.

PROCLAMATION

Whereas, poetry has been defined by William Wordsworth as "the spontaneous overflow of powerful feelings; it takes its origin from emotion recollected in tranquillity;" and

Whereas, Wentworth Dillon wrote: "True poets are the guardians of the state;" and

Whereas, Percy Bysshe Shelley wrote: "Poets are the unacknowledged legislators of the world;" and

Whereas, all the above are indicative of the importance, power, and beauty of poetry in human life; and

Whereas, poetry is found in all cultures and societies, in many forms, and oral poetry was highly developed by the Hawaiian people in ancient times; and

Whereas, poetry enriches all peoples, and is the expression of that enrichment; and

Whereas, a knowledge of, and love for, poetry is most desirable for all;

Now, therefore, I, George R. Ariyoshi, Governor of the State of Hawaii, mindful of poetry's importance to Hawaii's people, do hereby proclaim October 15, 1982, to be Poetry Day.

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature, and many also are talented and write poetry;

Now, therefore, I, Bob Graham, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, people of all ages have universally turned to poetic expression as a means of communicating the thoughts and hopes of their society, culture and generation; and

Whereas, the poetry of this generation will give similar impetus and strength to the lives of coming generations; and

Now, therefore, I, Albert H. Quie, Governor of the State of Minnesota, do hereby proclaim October 15, 1982, to be Poetry Day.

PROCLAMATION

Whereas, throughout the course of history, poets have chronicled the human condition through their writings and examined the intricate workings of man's psyche and the societies in which they lived; and

Whereas, the State of Maryland has a rich heritage of such poets, including Edgar Allan Poe, Sidney Lanier, Josephine Jacobsen and Lucille Clifton;

Now, therefore, I, Harry Hughes, Governor of the State of Maryland, do hereby proclaim October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry; and

Now, therefore, I, Fob James, Governor of the State of Alabama, do hereby proclaim October 15, 1982, as Poetry Day.

EXECUTIVE PROCLAMATION

The art of poetry is a vital part of Alaska's culture.

Many of the 49th State's residents enjoy this form of literature, and many, also, are talented and write poetry.

The United States has been honored by having an American chosen as the coordinator for the Sixth World Congress of Poets being held later this year.

Now, therefore, I, Jay S. Hammond, Governor of the State of Alaska, do hereby proclaim the day of October 15, 1982, as Poetry Day.

PROCLAMATION

It has been written, "Poetry is the mother tongue of mankind."

These simple words express the universality of poetry and its strength and vitality. The poets of each language add something precious to their culture which endures for generation after generation.

Therefore, in this, the year of the Sixth World Conference of Poets, I, Edmund G. Brown Jr., Governor of the State of California, am pleased to join in observing October 15, 1982, as Poetry Day.

PROCLAMATION

Whereas, in the rush of modern civilization we frequently give too little attention to the cultural values and ideas which should be a part of our daily lives; and

Whereas, it is only fitting that Coloradans honor the poets of the past and present who have done and are doing so much to enrich the lives of every person;

Now, therefore, I, Richard D. Lamm, Governor of the State of Colorado, do hereby proclaim October 15, 1982, as Poetry Day.

OFFICIAL STATEMENT

Poetry is among the oldest and most influential of all the arts. It provides a cultural heritage rich in historical and philosophical insights and celebrates the achievements of great men and women throughout the ages.

Poetry examines the most profound issues of human life and is a source of wisdom, instruction and inspiration. In addition, poetry brings people together in appreciation of the power, grace and versatility of language.

Every nation in the world has a rich poetic tradition which has had a shaping influence on the development of civilization and culture. Poetry celebrates history, philosophy and experience, the deeds of heroic

legends and the values which inspired them. It touches on the most profound issues of human life and brings enlightenment, wisdom and inspiration to its readers.

American poets deserve our praise and support for their tremendous contributions to the vitality and spirit of our country. The sensitivity and skill they share in their works may be counted among our nation's greatest treasures.

Therefore, I, William A. O'Neill, Governor of the State of Connecticut, am pleased to designate October 15, 1982 as Poetry Day.

STATEMENT

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature and many also are talented and write poetry; and

Now, therefore, I, Pierre S. du Pont, Governor of the State of Delaware, do hereby declare October 15, 1982, as Poetry Day. ●

GERSCHON CANAAN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. COLLINS of Texas. Mr. Speaker, in the Dallas community we have been proud of the active Consular Corps that we have serving the South and West in the United States.

Gershon Canaan has served for 20 years as the honorary consul of the Federal Republic of Germany. Dallas recognized Gershon Canaan with a special day in September. He has just been decorated with the Grand Cross of Merit by the Federal Republic of Germany. Canaan has strengthened the friendship between Germany and the United States. Since 1963 we have had an annual German Day celebration in Texas. He founded the Goethe Center, which works with SMU to promote the exchange of arts between Germany and the United States.

Gershon Canaan came to the United States in 1947 and attended the Frank Lloyd Wright Foundation. He graduated from the University of Texas with a masters degree in architecture. He now holds the position of senior vice president for international development with the J. L. Williams Co. of Dallas.

Texas is proud of Gershon Canaan's leadership and is looking forward to a great future in American-German relationship and trade. ●

INTELLIGENCE COMMITTEE RELEASES 35-YEAR-OLD SECRET TRANSCRIPT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. McCLORY. Mr. Speaker, the Permanent Select Committee on Intel-

ligence recently released the transcript of a congressional hearing which had been kept secret for the past 35 years. The hearing, held in executive session in 1947 by the House Committee on Expenditures in the executive departments on the then pending National Security Act of 1947 and previously classified "Secret," addressed the need for establishing the Central Intelligence Agency.

As the ranking Republican member on the Intelligence Committee's Subcommittee on Legislation—and from the time I served on the earlier temporary Select Committee on Intelligence—I have long held a strong interest in the CIA and the legislation which provides it with its most basic authority, the National Security Act.

Some months back it was discovered that one executive session hearing held by the Committee on Expenditures had been gathering dust in the back of a locked file drawer for years. Clearly, a document of such historical value should be declassified and released, even though it is exempt from the Freedom of Information Act because it constitutes a "congressional document."

The Committee on Expenditures' original copy was destroyed by its chairman in 1950, presumably because of his concern for its sensitivity. The only other known copy was held at CIA headquarters in Langley, Va. Since the U.S. Court of Appeals for the District of Columbia told the CIA that it could not release it—because, as a "congressional document" it was exempt from the Freedom of Information Act—and since the Archives did not have a copy in the files it maintains for the House—because it was never sent one—the hearings never would have seen daylight in the normal course of events.

Mr. Speaker, it is my understanding that the transcript of an executive session which is no longer within the custody of the committee which conducted the hearing may only be released by a vote of a committee with subject matter jurisdiction as granted in the rules of the House. I am therefore pleased to report that the Permanent Select Committee on Intelligence, having been granted exclusive jurisdiction over the Central Intelligence Agency by rule XLVIII, decided to exercise its jurisdiction by voting to release this 35-year-old transcript in the prescribed fashion. As a further step, the committee sought and received the concurrence of the Committee on Government Operations which when known as the Committee on Expenditures in the Executive Departments held this hearing.

Mr. Speaker, I want to point out that the hearing transcript was originally located by an Intelligence Committee staff member, Ira H. Goldman,

a counsel to the Intelligence Committee, who uncovered the hearing transcript locked up in the CIA's files, recognized the historical significance of this once-secret transcript and brought it to the committee's attention.

While there is nothing extraordinarily revealing or exciting in the transcript, it is quite interesting. Allen Dulles, who ran many OSS operations in Europe during World War II and went on to serve as Director of CIA, testified that he had had startling successes against the Abwehr, the German intelligence service. About 10 percent of the Abwehr provided information to the OSS, including two top German intelligence officials, Admiral Canaris and General Oster. This information included details of the German missile program and provided us with the information which enabled us to bomb their bases at Peenemunde, undoubtedly saving many Allied lives. One witness even told how, through an intelligence source, we had 2 months' advance knowledge that Mussolini would be removed, but that the report was rejected for lack of corroboration.

It is interesting how the same topics discussed back in 1947 are still being debated today. For instance: (a) Should the CIA, which is responsible for collecting clandestine intelligence, also analyze it, or might this lead to biased intelligence reporting? (b) Should the CIA's authority be detailed in a law or would this inflexibility threaten the national security? (c) How can the accuracy of intelligence analysis be improved? This continual questioning on such subjects is healthy, because it assures a strong and effective intelligence apparatus which is essential to the security of the United States.

Mr. Speaker, I believe the Congress rightfully exempted itself from the Freedom of Information Act, and, in my view, should retrench further on the law's impact on our intelligence agencies. However, this imposes on the Congress, particularly in this age of open government, a special duty to act on its own initiative to release historical information which was once sensitive but which no longer is in need of protection. Historians, and the public at large, should be granted the greatest practicable access to the official documents of the Congress.●

REV. WILLIAM HERBERT
BREWSTER

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. FAUNTROY. Mr. Speaker, I would like to bring to your attention

Rev. William Herbert Brewster, Sr., a black American gospel music composer who, in the first half of this century pioneered a new genre—gospel, will be the subject of a tribute by the Smithsonian Institution, December 17-19, 1982.

Rev. William Herbert Brewster, Sr., renowned orator and poet, will narrate the concerts of his music performed by Washington, D.C.'s own quintet, Sweet Honey in the Rock, with accompanist Pearl Williams-Jones, gospel music performer and scholar, December 17 and 18 at Smithsonian's Baird Auditorium.

Rev. William Herbert Brewster, Sr., pastor of East Trigg Baptist Church in Memphis, Tenn., for 53 years, and founder and director of the Brewster Theological Clinic has trained hundreds of Baptist ministers across the Nation, including many of Washington, D.C.'s distinguished clergy.

Considered the father of black gospel drama, Rev. William Herbert Brewster will perform with his congregation, an original Brewster pageant as the closing event of the weekend tribute, Sunday, December 19, at Baird Auditorium.

Rev. William Herbert Brewster, a prolific gospel music composer has created superlative music standards including "I'm Leaning and Depending On the Lord," "Move On Up a Little Higher," "Just Over the Hill," "How I Got Over," "These Are They," and "Surely, God is Able,"—the first gospel song to use triple meters—12/8—and one of the first two gospel songs to sell over 1 million copies, along with "Move On Up a Little Higher."

I call upon all of my colleagues of the U.S. Congress and the people of the United States to join with me in honoring Reverend Brewster with the Smithsonian, in grateful acknowledgement of his outstanding composition and for the extraordinary legacy of gospel music and gospel drama that he embodies and is passing along for the enrichment of all our citizens.●

PORTUGUESE PRIME MINISTER'S VISIT TO WASHINGTON PROVIDES OPPORTUNITY FOR DIPLOMATIC INITIATIVES ON STATUS OF EAST TIMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. HALL of Ohio. Mr. Speaker, last week marked the seventh anniversary of Indonesia's brutal full scale invasion of the former Portuguese colony of East Timor.

Seven years ago, scarcely a handful of Americans outside of Government knew of the existence of East Timor,

but presently American public awareness of the tragedy in this predominantly Roman Catholic island territory is growing. This is a most encouraging development.

As awareness of the Timor tragedy increases, so does the recognition that a political settlement stressing the right of the East Timorese to determine their own future is necessary. As I have stated on previous occasions, and as more of my colleagues have come to believe, there should be official American backing for a process that can lead to authentic self-determination for East Timor. This is one of the points of my resolution on East Timor, House Concurrent Resolution 321, which has been cosponsored by 46 other Representatives.

It is clear that Portugal, which ruled East Timor for 400 years until 1975, and which continues to be recognized under international law as the legal sovereign of East Timor, has a key role to play in the effort to end Indonesian occupation of the territory.

Today, the Prime Minister of Portugal, Dr. Francisco Pinto Balsemao, arrives in Washington for talks with Reagan administration officials and with the President himself. I have been informed that the Portuguese leader plans to discuss the East Timor tragedy with President Reagan.

Before he became Prime Minister in 1981, Dr. Balsemao had a distinguished career as editor of the weekly publication, *Expresso*. On the occasion of his visit here I would like to commend to my colleagues' attention a translation of an editorial which appeared in *Expresso* in October, 1981.

This commentary calls for practical, nonpartisan action by Portugal's major political figures to meet Lisbon's historic responsibility to the people of East Timor. It is a moving appeal for cooperation that should be seriously considered by all those concerned about this tragedy.

It is my hope that the administration will take advantage of Dr. Balsemao's visit to pursue new initiatives on the status of East Timor. If Portugal is interested in opening the window on East Timor, we should be prepared for some fresh air on the issues involved.

For the benefit of my colleagues, the *Expresso* editorial follows:

[Editorial from the *Expresso*, October 1981]

EAST TIMOR AND THE HOSPITAL AMBULANCE DRIVER

Some days ago, on RTP, in a report on the hold-up of the Bank of the village of Santo Adriaio, a statement was made by an ambulance driver from St. Joseph's Hospital who had taken one of the wounded in for treatment. The wounded man had been deposited by his partners at the door of the hospital who had then left in a flash in order not to get caught. The ambulance driver said: "When somebody wounded is brought in, we're not about to notice who brought him. What we really want to do is get him medi-

cal attention as quickly as possible. Saving his life is above everything else."

A sensible philosophy, this ambulance driver's, and one that puts the theory and practice of many political and journalistic strategists to shame. This puts us in mind of the case of Timor and the fuss about the government's report. It's time we looked to the patient who is dying and to those who, ultimately, may have accelerated his demise or dealt him more blows.

(1) Indonesia invaded Timor, whose population it is destroying only because they committed the crime of wanting to be a people.

(2) Portugal has historical responsibilities toward Timor as, for example, did England toward Rhodesia. Great Britain assumed its responsibilities, let that be said for Margaret Thatcher. She met the problem head-on and an honorable solution was found.

(3) To attempt to cast the blame on X, Y or Z, who intervened in that confused process, is all very well and good as an outlet for imperial-style frustrations, but it's not realistic.

(4) The crucial point, and what is hanging in the balance at this very moment, is the existence of a people who were invaded by another stronger than they.

(5) The invader's name is Indonesia: Indonesia the executioner who is committing violence daily against the Maubere people.

(6) The report on Timor focuses on individuals who may have favored an invasion, but they were not decisive. Portugal, once Indonesia made up its mind, did not possess the physical means to avoid it.

(7) Portugal however, has the obligation that History has conferred upon it, and also the right to seek a solution. Not a military solution. It would be ridiculous to advocate that.

But it can take the lead in promoting an international movement that would push Indonesia to accept, at least, a referendum on Timor, a referendum that should be controlled by the United Nations.

(8) And who is the Portugal to whom this historical imperative falls?

That Portugal is Ramalho Eanes, Francisco Pinto Balsemao, as Prime Minister and President of the Social Democratic Party, Mario Soares, Secretary-General of the Socialist Party, Freitas do Amaral of the Christian Democratic Party, Alvaro Cunhal of the Communist Party, Ribeiro Teles of the PPM, the Council of the Revolution and others more directly involved in shaping the destiny of this people, be it by virtue of the offices they hold at the highest executive level or by virtue of the parties or coalitions that they head. It is the parties who, more than any other group, organize Portugal's political strength.

Let's leave aside, for now, other Portuguese who were involved. Those people will be the first to be judged by History if the Maubere people end up sacrificed on the altar of geopolitical interests or simply for the sake of the immediate interests of the powers or superpowers.

(9) Mario Soares, Secretary-General of the Socialist Party and Vice President of the Socialist International: what is and was he doing to call the world's attention to the dying man?

Alvaro Cunhal, with his many and influential friends in the "Communist International": what is and was he doing?

Freitas do Amaral, together with his friends in the European Christian Democratic Union, of which he is President, and inside his own party: what is he doing? And

Pinto Balsemao as Prime Minister and President of the Social Democratic Party? And Ramalho Eanes: what influence has he made use of to try to save East Timor?

(10) Could it be that Indonesia's having big business dealings with the East and West is motive enough to try to silence the cries of a people? They are crying out not only for treatment of the wounded or for "kinder" methods of torture for those Timorese who want to go on being Maubere. They are crying out to be a people, and for Indonesia to leave the territory that doesn't belong to it.

(11) The Portuguese authorities have an obligation to try to reach a national consensus on Timor and to seek an international consensus for it.

Is this what they have been doing?

Being President of a country that has friends and allies, being Prime Minister or Secretary-General of the Communist Party, Socialist Party, Social Democratic Party of Christian Democratic Party and President or Vice President of International organizations means a lot and carries a lot of weight. It is important that everyone remember: History will judge them—judge them more severely than they are now judged. Now they are only judged as men who failed at their duties and did not have the strength to check Indonesia's voracity.

(12) May our leaders take a lesson from the ambulance driver. May they not lose sight of what is crucial, hidden under a cover of incidental detail. All the fuss surrounding the government's report, which *Expresso*, as a newspaper has the obligation to publish, can, if we are not clear-headed and discerning, lead us to forget about the patient and rail in vain against those who did not cure his wounds before. ●

REAGANOMICS SQUEEZES CORPORATE SPENDING PLANS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. FLORIO. Mr. Speaker, the administration's supply-side economics was based on the assumption that business investment would provide the main source of renewed growth.

Unfortunately the reverse happened, business investment declined. Plant and equipment spending by business next year is projected at 6½ percent below that of 4 years ago. This decline in capital spending forecasts continuing economic stagnation and double-digit unemployment. Even the most optimistic reports from administration economists forecast a modest economic recovery that will produce a 10-percent unemployment rate 2 years from now.

This year the American people voted against these policies. We cannot let our industrial plants lay to waste, and human talents go untested when an agenda of work needs to be done in our Nation. I invite my colleagues to review the following article:

[From the Christian Science Monitor, Nov. 12, 1982]

U.S. INDUSTRY TO SCRIMP ON CAPITAL OUTLAY SPENDING IN 1983

(By David T. Cook)

As corporate executives put the final touches on their 1983 budgets, spending plans for new buildings and production equipment are being slashed.

Next year, for instance, the Hughes Tool Company, a Houston-based maker of oil drilling and production equipment, will spend "no more than half" of the \$300 million it invested in the business this year, a company official says.

Hughes is not alone. After adjustment for inflation, US companies plan to invest 8.5 percent less in their operations next year than they did this year, according to a recent survey by the Economics Department of the McGraw-Hill Publications Company. And the 450 major companies that were surveyed said their capital spending this year would be 4.5 percent lower than last, after taking inflation into account.

As a result, economic recovery will be less robust, upward pressure will remain on unemployment, and modernization of factories will be delayed.

Managers are chopping spending plans because they are already saddled with excess production capacity. "There is plenty of plant and equipment around without building more," says Edward Yardeni, senior vice-president of Prudential/Bache Securities. In September, 31 percent of US production capacity was idle.

Meanwhile, sagging corporate profits have cut into the funds companies can invest. At Hughes Tool, for example, net income per share for the first nine months of the year is down 26.4 percent.

"Cash flow will improve next year, but it will be used to reduce pressure on balance sheets" burdened with debt, Mr. Yardeni asserts.

While the drop next year could be reduced if a recovery occurred faster than corporate managers expect, "I don't think there is any way we will see" an upturn, says Joseph Spier, a senior economist at McGraw-Hill.

Lower spending for plant and equipment will not abort the weak economic recovery expected next year. But it could cause some additional upward pressure on unemployment, which is already at a post-World War II high of 10.4 percent. That is because cuts in capital spending imperil the jobs of individuals still at work putting up buildings and turning out production equipment. And any further boost in unemployment weakens demand for consumer products and the equipment used to produce them.

"The negative interaction among economic sectors characteristic of a recession is still very much in evidence and could continue for a while," the Goldman, Sachs Economic and Financial Market Research Group recently wrote clients.

And slimmer capital budgets mean some delay in the modernization of American industry. "We have had very rapid obsolescence of equipment due to extremely high inflation and the extraordinary increase in energy costs," says Ben E. Laden, vice-president and chief economist at T. Rowe Price Associates Inc., a mutual fund manager. "That has left us with a very inefficient capital stock," or collection of production equipment.

The slower pace of US capital equipment spending is not expected to seriously erode the nation's international competitiveness

in manufacturing technology. "Other nations also are in pretty bad shape in capital spending," Mr. Laden notes.

Ironically, though, capital spending by American companies may get less of a boost from the expected economic recovery than do foreign competitors.

"If the dollar remains strong in foreign exchange markets next year, as we expect, then the rust-bowl industries [autos, steel, farm equipment, machine tools] in the United States will find that the coming domestic recovery will mostly benefit their overseas competitors," Mr. Yardeni says.

Of course, not all potential purchasers of buildings and equipment are cutting their 1983 capital budgets at the same rate. When 1982 and '83 capital spending plans are compared, the biggest percentage drop comes at the airlines, which have cut projected outlays 29.7 percent, while food and beverage producers have trimmed spending targets 22 percent, according to McGraw-Hill data. The hard-hit mining industry has reduced spending plans 13.5 percent, and recession-ravaged iron and steel makers have cut plans 15.5 percent.

The spending cuts planned for 1983 come on top of reductions made earlier. For example, the Clark Equipment Company of Buchanan, Mich., plans to spend "a little under \$40 million this year and a little over \$40 million next year" on purchases of equipment and buildings, a spokeswoman says. By contrast, this maker of forklift trucks and truck transmissions spent \$61.8 million in 1981 and \$79.5 million in 1980.

Producers of high-technology goods like computers, scientific instruments, and semiconductors are one major exception to the downturn in capital spending. McGraw-Hill shows this sector posting a 15.4 percent increase in capital spending next year. "They should see orders [for products] improving" in 1983, Yardeni notes.

Economists expect that different types of capital goods will both fall and recover at different rates. Purchases of new factories and offices will drop 5 percent in 1983, economist Spiers predicts. Equipment purchases will drop 3.1 percent.

For 1984, most forecasters see capital spending rebounding along with the economy. "In the manufacturing category, almost every industry... has double-digit increases slated for 1984," Spiers says.

Much of the pickup will come in outlays for equipment, as a recent overbuilding of office buildings is expected to hold down spending on structures.●

JOHN NELSON—GOOD MAN FOR AN IMPORTANT JOB

HON. RONALD M. MOTT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. MOTT. Mr. Speaker, one of the many reasons for Cleveland's emergence as the health care center of the United States is its string of fine, modern hospitals which dot my native city.

One of the finest Greater Cleveland hospitals is Parma Community General located in the city in which I reside. A major reason for the fine reputation of Parma Community General Hospital is its hardworking administrator,

John Nelson, who has held this important job since 1971.

John Nelson, a close personal friend of mine, has directed two major expansion programs in his 11 years at Parma Community General Hospital. The present expansion program will see the number of available beds increased to 321 by July 1984.

I can personally attest to the excellence of the hospital in that three of my four children were born there—namely, Ron Jr., 20, Ronda, 17, and R. Michael, 8. My fourth child, Amanda Leigh, 3½, was a premature baby and was born in Cleveland Metro General Hospital, another excellent facility we Clevelanders are fortunate to have.

Administrator Nelson, a native of Mason City, Iowa, has been in the health care field virtually all of his adult life. After receiving his bachelor's degree from the University of Iowa, and his master's degree from the University of Minnesota, he rolled up his sleeves and went to work in various capacities to make quality health care more attainable for all of us.

Immediately before taking over as Parma administrator, John Nelson was with the American Hospital Association in Chicago. He has held key positions with the Greater Cleveland Hospital Association and with the Ohio Hospital Association as well.

He is a civic leader in Parma. He presently serves as secretary and as a member of the board of directors of the Parma Chamber of Commerce.

John and his wife, Myrna, have three grown children, Craig, Kristine, and Nancy, and are blessed with two grandchildren.●

CONSTITUTIONAL BANKRUPTCY COURT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. RODINO. Mr. Speaker, I am inserting herewith a letter from the National Conference of Bankruptcy Judges discussing some of the serious problems with the Judicial Conference's legislative proposals on the bankruptcy courts:

NATIONAL CONFERENCE OF
BANKRUPTCY JUDGES,
December 10, 1982.

HON. PETER W. RODINO,
Chairman, House Judiciary Committee,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RODINO: We have reviewed the December 1, 1982 proposal of the Administrative Office of the United States Courts for restructuring the bankruptcy courts. This document represents a surprising turnabout of position by the Judicial Conference following as it does so closely in time their September 9, 1982 Report on H.R. 6978.

In the September 9, 1982 Report, in an effort to diffuse support for H.R. 6978, the

Judicial Conference recommended an interim rule/Article I statutory approach to restructuring the bankruptcy courts that involved utilizing bankruptcy judges as special masters.

Both the Solicitor General and the Department of Justice immediately raised serious questions about the constitutionality of this Judicial Conference proposal and in addition labeled it as cumbersome and unworkable.

Also, in their September 9, 1982 Report, the Judicial Conference expressed great concern about the added cost of establishing Article III bankruptcy courts as contemplated by H.R. 6978, citing cost projections that no knowledgeable person would take seriously. The cost estimates in the House Judiciary Committee Report accompanying H.R. 6978 appear to be more accurate.

Apparently the concern of the Judicial Conference for cost was short lived. Now, in lieu of leaving the present system in place and converting the existing 220 full-time and 20 part-time bankruptcy judge positions to 227 lower echelon Article III positions as proposed in the Rodino bill, the Judicial Conference suggests that Congress authorize 166 additional district court positions and 50-75 additional magistrate positions, in all up to 241 new judicial positions to handle bankruptcy matters on an integrated basis with the regular caseload of the district court. Further, to "guarantee that bankruptcy cases do not become 'lost' in the heavy caseload of the district judges and magistrates," the Judicial Conference recommends the creation of 120 new Bankruptcy Administrator positions. We presume that the failure of the Judicial Conference to include cost projections with its latest proposal is a tacit admission that the cost of implementing their new proposal would far exceed the cost of H.R. 6978.

For example, unlike H.R. 6978, the Judicial Conference proposal would require extensive modification of existing facilities because present facilities do not meet GSA requirements for district court judges, but would suffice for Article III bankruptcy judges. Also, under the Judicial Conference proposal new facilities would have to be provided for 50-75 new magistrates and their staffs and 120 new Bankruptcy Administrators and their staffs.

Aside from cost considerations there are other serious problems presented by this new Judicial Conference proposal.

Bankruptcy cases were removed from the regular caseload of the district courts by Congress in 1938 because bankruptcy matters required special and often immediate attention and were not being handled very well as part of the regular caseload of the district court. There is a far greater backlog in the district courts today than there was in 1938.

Civil actions arising in, out of, or related to bankruptcy cases could not be finally determined by magistrates except by consent of the parties and such consent is not likely to be given in actions by the trustee or debtor against third parties to recover assets of the estate, as was involved in the *Northern Pipeline* case, or in actions by creditors to reclaim property from the debtor. Absent consent, the magistrate, after hearing such a matter, must file a report and recommendation to be acted on by the district court. This procedure would result in greater delay and transaction costs (attorney fees) for the parties and involves an obvious duplication of judicial time and manpower.

The provision for appointment of 120 Bankruptcy Administrators by the United States appeals courts invests those courts with patronage power and supervisory responsibilities they may not wish to exercise.

The duties enumerated for the Bankruptcy Administrator are now being performed for the most part by the clerk and deputy clerks of the bankruptcy court, which calls into question the need for such an office.

All the persons who testified at House and Senate hearings on legislation to deal with the problem created by the decision of the Supreme Court in the *Northern Pipeline* case were unanimously of the view that the present bankruptcy system is working well and should be preserved to the maximum extent possible, as provided by H.R. 6978. The Judicial Conference proposal enjoys no such documented support. It appears to run against the grain of the historical experience that led to the development of the present efficient bankruptcy system.

Finally, the bankruptcy system that would be preserved by enactment of H.R. 6978 is precisely the system the Chief Justice voted with the dissent to uphold in the *Northern Pipeline* case, with the minor exception that instead of being appointed by the President for 14-year terms, bankruptcy judges will be appointed by the President to hold office during good behavior, a change, which according to the plurality opinions in the *Northern Pipeline* case, is mandated by the Constitution.

Yours truly,

JOE LEE,

Chairman, Committee on Legislation,
National Conference of Bankruptcy
Judges.●

THE HOUSE SHOULD VOTE ON REGULATORY REFORM

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. LEVITAS. Mr. Speaker, regulatory reform is one of the most important issues facing our Nation today. Many people ask how does regulatory reform acquire such an important position on the agenda of Congress, and on the President's list of priority items for this post-election session. The answer is very simple. The cost of regulation to the American people today exceeds \$120 billion annually. Many of those costs are unnecessary, and every dollar that is spent on unnecessary regulation takes away from investment in new plant capacity and creating new jobs. And therefore, we see bipartisan support for the enactment of regulatory reform legislation.

In an op-ed article which appeared in the Wall Street Journal on December 6, 1982, John Opel, the head of the Business Roundtable's task force on Government regulation discusses the overwhelming costs of Government regulation. As he notes, it is time to give the House an opportunity to vote on this important legislation. At this point I place Mr. Opel's article in the RECORD.

[From the Wall Street Journal, Dec. 6, 1982]

THE HOUSE SHOULD VOTE ON REGULATORY REFORM

(By John R. Opel)

The post-election session of Congress offers the House leadership another chance to bring the long overdue regulatory reform bill to the floor for a vote. While the session has to deal with pressing budgetary and appropriations matters, time should be found to let the House act on regulatory reform. The president has designated this as one of the key issues Congress needs to address.

Regulatory reform does not mean doing away with regulation. It means making the regulatory process more rational. If anything needs a dose of rationality, it's the way regulations are developed and implemented, often with little understanding of the consequences.

Presidents Ford, Carter and Reagan have recognized the need for sweeping improvements and have done something about it. Their executive orders have gone a long way in the right direction. But these orders only apply to agencies within the executive branch and accomplish only part of what needs to be done. Moreover, executive orders tend to be stop-gap substitutes for legislation and can be reversed at any time. Regulatory reform deserves greater permanence and predictability.

The Senate has already recognized the need for comprehensive, intelligent and fair legislation covering the regulatory process. Under the sponsorship of Senators Laxalt, Leahy, Roth and Eagleton, a Senate bill was approved last March with bipartisan support in a 94-0 vote.

One wonders how many ill-conceived, badly implemented and enormously costly regulations might have had their quality improved had such legislation existed in the past. Businessmen in large and small companies see scores of examples each week of regulations whose benefits are obscure or marginal at best, yet require costly compliance.

No one seriously questions that the costs of regulation are staggering. Those costs are inflating the prices of just about everything Americans buy. They also make our exports less attractive. Some estimates have put the cost of regulation at over \$100 billion a year.

Four years ago, the Business Roundtable's task force on government regulation sponsored a study that looked at only six federal agencies and the cost impact of their regulations on only 48 major companies. The results were carefully and independently audited. They revealed that just those 48 companies incurred extra direct compliance costs of a whopping \$2.6 billion in the single year that was studied, 1977. This was equivalent to 10.1% of total capital expenditures of the 48 companies, 15.5% of their net income after taxes, and 43.1% of their total research and development expenditures.

The primary objective of the pending legislation is to ensure that regulations that will have major economic impact will undergo careful economic analysis. The idea is to make sure there will be a reasonable balance between the benefits of a regulation and the costs to realize them. Proposed regulations that have been assessed for rationality may then be implemented by the rule-making agency.

A few critics have argued, incorrectly, that the new legislation would tie agencies in knots, relies too much on cost-benefit analysis, would give the OMB too much power, and would impose too many steps that

would delay needed rules. Serious study of the proposed legislation proves such concerns groundless.

Some critics say that benefits cannot be reduced to numbers and that costs cannot be calculated precisely. No one insists on that sort of exercise. Indeed, the bill would not require agencies to mechanically weigh benefits and costs.

What the many supporters of regulatory reform seek is the gathering and analysis of information needed to make more rational decisions. The legislation calls for the simple imposition of some economic discipline in the rulemaking process to ensure that contemplated rules are justified and that the planned approach is efficient.

The legislation also would ensure a more accessible and rational regulatory process with improved agency accountability to the public. In addition, it provides improved recourse to the courts when an agency's actions are considered unjustified or outside its jurisdiction.

During this post-election session, the House should be allowed to vote on the consensus version of the bill offered by Congressmen Hall and Kindness. Otherwise we'll have the spectacle of inaction in the face of a unanimously favorable Senate vote and the support of most House members. It just doesn't make sense to allow a small minority to block action on this legislation.

And it doesn't make sense to have five years of sincere effort by men and women of good will in Congress, business, two administrations and the general public go on the legislative shelf. Scarce resources that are wasted on inefficient, over-costly regulations must be directed to capital investments that create jobs.

But first the House leadership must bring the regulatory reform bill to the floor for a vote. It shouldn't remain bottled up in the rules committee. It shouldn't get nipped or amended to death. It is a good bill, fair to business, public interest groups, regulatory agencies and the people.●

TRIBUTE TO GEORGE W. SMITH

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. ERTEL. Mr. Speaker, I would like to take a few moments to honor a man who has contributed so much in the field of education, Mr. George W. Smith, superintendent of Loyalsock Township School District.

Mark Twain once said, "It is noble to teach oneself, it is still nobler to teach others." George Smith quite appropriately fits this quotation. For 35 years, he has given of himself solely to teaching others. As an educated man in his own right, George had the will and desire to educate the youth. He has involved himself in both junior and senior high school education, very demanding and easily influenced age groups whose proper development is crucial to our society.

Mr. Smith, who is retiring as of January 1, 1983, will be remembered as a fine educator of mathematics, an outstanding principal and superintendent,

and an asset to the community. As a graduate of Bloomsburg State College with a bachelor of science in education, Mr. Smith went on to receive a master of science in education at Bucknell University, and then worked toward a doctorate at the University of Pennsylvania. He has dedicated his career to educating others both in the classroom and out, as an administrator and active member of many associations including the National Education Association, the Pennsylvania State Education Association and the National Association of Secondary School Principals.

In his 35 years in education, Mr. Smith has been a role model to the many students he has taught and an inspiration to his colleagues. And so, Mr. Speaker, I would like to congratulate George Smith on 35 years of remarkable service to our educational system and on behalf of his family, friends, and colleagues wish him the best of health and happiness in the years to come.●

**TRA: A SAD TALE OF MINES,
SHAFTS, AND BROKEN WORDS**

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. GAYDOS. Mr. Speaker, 20 years ago, when the Government of the United States decided that unilateral disarmament was the way to avoid the trade war we have now, it purchased the consent to disarm with a promise.

The promise was to the workers whose industries are now decimated by goods that probably could not be exported to the United States but for subsidies and dumping.

The promise was for trade adjustment assistance, which is financial and other help for workers whose jobs would be lost to the imports that this unilateral disarmament was sure to bring.

It was a textbook quid pro quo: A case of this for that; labor agreed to support the disarmament and Government promised to help with trade adjustment assistance. The compact was reaffirmed with the trade laws of 1974 and 1979.

Imports are certainly up. With a \$44 billion trade deficit coming, and unemployment at 10.8 percent, they have never been higher. Has the agreement been kept?

"I guess," says Lloyd McBride, president of the United Steelworkers of America, "it is the same old story; somebody gets the gold mine and somebody gets the shaft. The workers got the shaft."

Furthermore, Mr. Speaker, the traders got the gold and continue to get it because of subsidy and dumping.

Mr. McBride testified today before the Executive Committee of the Steel Caucus on the failure of trade adjustment assistance.

His words and thoughts on the subject are so forceful and full of insight that I commend them to the House without further comment:

STATEMENT OF LLOYD McBRIDE, PRESIDENT, UNITED STEELWORKERS OF AMERICA, BEFORE THE HOUSE STEEL CAUCUS ON TRADE ADJUSTMENT ASSISTANCE, DECEMBER 14, 1982

At the outset, let me restate something you already know: The American steel industry and its employees are locked in an economic depression unlike anything since the 1930's. The outlook for the immediate future is bleak and no one has any idea of when or how the steel industry will recover. Many of our members—some 120,000—are facing economic disaster and all they hear from the White House are phony excuses and lame appeals to "stay the course." If nothing else, the recent elections should have sent the message that more than Presidential rhetoric is required to get the economy moving again.

Another fact that you already know is that at a time when our industry is operating at below 40 percent capacity, steel imports are approaching record highs, averaging 22.4 percent of our market which is about 25 percent higher than last year. According to recent decisions by the International Trade Commission and the Commerce Department, much of this steel trade is unfair. While the agreement with the European Community to limit future imports may bring some relief, we are very concerned that steel imports from other countries do not simply replace those from Europe.

Undoubtedly, there are a number of important factors contributing to the steel depression. Most of these are rooted in the general recessionary economic conditions affecting most of the world. Unfortunately, the recession came at a time when the steel industry was already suffering from severe problems of overcapacity and industrial restructuring. Thus, a weakened steel industry was caught up in a general economic downturn which for some became a recession but for us resulted in depression.

The misguided economic policies of the Reagan administration must, at least in part, be held responsible for the depth and duration of the recession. Moreover, Reagan's failure to recognize the errors and change policies so as to lead us out of the economic morass is only prolonging the social and economic pain of the American people.

I am here today to raise one particular issue confronting our members, especially those who have had to bear the brunt of steel imports.

The trade adjustment assistance (TRA) program was first conceived as a part of the Kennedy round of trade negotiations and was incorporated into the Trade Act of 1962. It has been refined and improved upon in the subsequent trade laws of 1974 and 1979. Unfortunately, the program was largely decimated in the Budget Reconciliation Act of 1981.

As initially conceived, TRA was based on the idea that workers who were injured because of liberalized international trade policies should receive special consideration in an effort to help them adjust to changing trade patterns. Indeed, the various trade laws assumed, as a matter of policy, that

lower trade barriers would result in increased unemployment in trade sensitive industries such as steel, and that the affected workers should receive special consideration.

Prior to the budget cuts, the heart of the TRA program was the provision of income maintenance benefits amounting to 70 percent of a worker's average weekly wage—not to exceed the national average weekly wage—for up to 52 weeks. For the first 26 weeks of trade-related unemployment, the TRA benefit was partially offset by regular State unemployment compensation benefits and could be further offset if the worker qualified for Federal extended benefits. The point is, that prior to the Reagan administration, workers who became unemployed due to foreign imports received some degree of special adjustment consideration throughout the eligibility period.

For all practical purposes those special considerations and, in fact, the whole notion underlying TRA have been largely eliminated. Basically, over the past 2 years two things have happened:

(1) At the administrative level nearly all of our petitions for TRA have been denied, and

(2) Legislatively, TRA benefits have been reduced to where they are indistinguishable from the regular State unemployment compensation program.

PETITION DENIAL

Since late 1981, our union has filed TRA petitions covering 93 steelmaking facilities. These petitions covered most of basic steel production where imports were high and unfair charges were made by the industry. Thus far, the Labor Department has only certified two of the facilities plus two partials. Seven of our petitions have been denied and the remaining 84 are pending, some as long as 14 months. Because of the method used by the Labor Department in certifying TRA petitions, we believe that most of our petitions will be turned down.

At the same time, steel imports have continued at record high levels. In terms of market share, imports in 1981-82 accounted for a larger share than in 1977-79.

With respect to TRA petitions, however, the 1977-79 period witnessed the highest level of steel petitions approved. In fact, during that period most of our petitions were approved compared to now when very few are being certified.

The question naturally arises, why? Why, if import levels are nearly the same and market shares even larger, does the Labor Department certify import affected steelworkers in 1977 and not in 1982? We asked that question of the Labor Department and were basically told it was because of the criteria used to determine import relatedness.

According to the Labor Department, when it receives a TRA petition, the primary factor to be determined is whether there is a shift in customer preference to imports. If such a shift to imports occurred, then TRA was certified. If there was no shift, on the other hand, then the petition is denied. The problem, as we understand it, is that once the customer shift to imports has occurred, the level of imports is no longer relevant for TRA purposes.

In other words, if in 1977, customer "X" of U.S. steel shifted his purchase from U.S. steel to foreign importers, then the affected U.S. steelworkers could be certified for TRA. However, if 5 years later the same customer "X" continues buying imported steel and, in fact, increases his purchases, the

Labor Department maintains that no customer shift has occurred and denies the petition.

Put another way, once a given customer shifts to steel imports, his future imports are no longer counted for TRA certification purposes, no matter how much imported steel he may buy.

If this indeed is the primary technical method for determining TRA certification, then we believe it should be more closely examined. While it may have had some validity when first developed, circumstances have changed radically in the last few years and we believe that the method might very well be flawed. Certainly, there is nothing in the law that requires the application of such customer shift criteria.

The other major administrative problem with TRA certification is the long lag time involved. Some of our petitions currently pending at the Labor Department were filed over 13 months ago and the affected worker may have already exhausted all of his unemployment compensation benefits and is still waiting on the labor department to make a determination. Given the economic hard times our steelworkers are suffering, we think that their petitions should be processed in a timely manner.

LEGISLATIVE CUTS

In 1981, the Congress approved Reagan's first budget reconciliation bill which included drastic cuts in the TRA program and which nearly eliminated the idea that trade impacted workers should receive special consideration. Indeed, the effect of the legislative cuts was to transform TRA into little more than a 52-week program which is identical in amount to the regular State unemployment compensation program.

In this respect, the budget reconciliation bill:

Cut the TRA, benefit level from 70 percent of a workers weekly wage (subject to a \$289 cap), to the level payable under State law;

Required TRA certified workers to first exhaust all State and Federal extended benefits before receiving TRA; and,

Limited the combined State, Federal and TRA benefits to a 52-week period.

While the Reagan administration sought to make the group eligibility requirements even more restrictive, and while these restrictions were initially approved by the Congress, subsequent legislation prevented the restrictions from taking effect.

While the administration claimed that the changes in the TRA benefit structure would be to place the emphasis on training, it refused to make training an entitlement. The long time it is taking for the Department of Labor to conclude its investigation and render a decision means that the training option has run out for most of the workers who would consider retraining.

CONCLUSIONS AND RECOMMENDATIONS

The combination of adverse administrative actions and legislative cuts have all but eliminated TRA as a viable program for workers subject to trade-related unemployment. What little is left of the TRA program is more closely akin to the regular State and Federal unemployment compensation programs available to all workers. Thus, the original idea underlying the TRA program has largely been negated.

Indeed, with the recent passage of emergency unemployment benefit extensions—the Federal supplemental benefits—most eligible workers can receive as much as 49 weeks of unemployment compensation ben-

efits. In this sense, the trade policy factor has largely become irrelevant.

Given this situation, we recommend that the Steel Caucus consider the following:

(1) Review the criteria used by the Labor Department in determining TRA certification in order to identify and correct, and flaws in that criteria. At the very least the Labor Department should be requested to review its criteria and methods in light of existing circumstances and steel import levels.

(2) Examine the Labor Department's long lag time in making a determination on TRA certification.

(3) Address the question of should we have a trade adjustment assistance program or not. This would involve a series of hearings and investigations that could contribute to any final decision on the TRA program which is scheduled to expire in September 1983.●

OPEN SEASON ON FREE TRADE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. DANNEMEYER. Mr. Speaker, one of the things that struck me as the House began debate on H.R. 5133, the domestic content bill, last week was the ironic twist of historic events relative to the position of our two great political parties on the trade issue. When the Smoot-Hawley Tariff Act of 1930 was enacted, it was signed into law by a Republican President, Herbert Hoover, after passage by a Republican Congress.

Today, however, we see more support for protectionism from Democrats than we do from Republicans. This is not to suggest that the opposition to the domestic content bill is a partisan matter. Far from it. I note with great interest that the able and distinguished chairman of the Committee on Ways and Means, Subcommittee on Trade, the gentleman from Florida (Mr. GIBBONS), continues to be a leading spokesman against the bill. Other speakers on the House floor in opposition to the bill have included the gentleman from Oklahoma (Mr. JONES), the chairman of the Committee on the Budget, the gentlemen from Georgia, (Mr. LEVITAS and Mr. BRINKLEY), and the gentlemen from Texas (Mr. PICKLE and Mr. HANCE). The vote on reporting the bill out of the Energy and Commerce Committee was also bipartisan, with my Democratic colleagues Mr. GRAMM, Mr. WAXMAN, Mr. GORE, Mr. WYDEN, and SANTINI opposing it.

It is also true that some of my Republican colleagues are supporting the legislation now before the House on domestic content. Even some conservative publications have recently made reference to protectionist responses to the economic challenges that confront us.

Nonetheless, all of us, to some degree or another, are students of history. The general switch of the positions of our parties should not go unnoticed. In this connection, I would like to point to a recent commentary by William F. Buckley, Jr., in which he made the following statement: "So here we are: the party of Hawley-Smoot, the GOP of protectionism, campaigning against tariffs. While the party of free trade, the Democratic Party, is attracted to reactionary policies. Well, well."

Mr. Speaker, far be it from me to counsel you and your party on electoral strategies. The history of the 1932 election following the passage of Smoot-Hawley in 1930 does not bode well for those looking to 1984 who are taking a protectionist line today. With international economic policy a major component of overall foreign policy, and with the need for a bipartisan foreign relations strategy as a major element of recent times, let us work toward a bipartisan effort in support of free and fair trade. Instead of shifting roles, let us have the parties come together in this effort.

Mr. Speaker, at this point I would like to insert the full text of Mr. Buckley's remarks into the RECORD:

[From the Washington Post, Dec. 9, 1982]

OPEN SEASON ON FREE TRADE

(By William F. Buckley, Jr.)

Flashback time.

Thirty years ago Herbert Hoover, heading up a commission to explore the ungoverned growth of government, handed in his report to President Harry Truman. It was a massive document, a remote paragraph of which recommended the termination of government subsidies to a small plant in Massachusetts engaged in the manufacture of hemp rope. The plant had been founded during the Civil War to produce a commodity not then available for one reason or another. Hoover's researchers discovered that hemp had become available in America in the early 1870s, but the plant, and its 87 employees, went on and on, surviving by government subsidy.

Truman called in Representative John F. Kennedy and said: go up to Hemptown and make a deal, the bottom line of which is that the United States government is going to get out of the business of making hemp at the taxpayers' expense. Kennedy made the trip, and devised what he thought to be the most munificent possible deal. Just agree to this—he said to the labor union—that no one who quits the hemp factory, or who retires, or who dies, will be replaced. That would mean that in, oh, 40 years, the hemp factory would simply wither away. Meanwhile, no one will lose his job. Okay? Answer: No. Not okay. Kennedy reported back to Harry Truman. What to do about it? Truman changed the subject. For all you know, tomorrow's hanging may be done with the use of hemp made in Massachusetts to cope with a shortage that arose during the Civil War.

Scene, 1960. Senator John F. Kennedy is campaigning in Massachusetts for the presidency, which is on the order of God campaigning in paradise. Massachusetts shoe

factories are depressed, and he is told that an encouraging word is always in order. So, he comes out for protecting native shoe industry from abroad.

And now Walter Mondale, heir apparent since the abdication of Senator Edward Kennedy to the title of Mr. America of Deep-Freeze Liberalism, is going about the country growling about foreign imports. Causing a certain discreet embarrassment to his rooters inasmuch as, dating back to Adam Smith, the idea of tariff barriers has been thought the essence of illiberalism, besides being very bad economics.

But, you say, isn't free trade something that requires two to tango? There is no doubt that Europe is beefing up its tariff walls, and doing so rather blatantly. (The other day, an Englishman who ordered a pair of Timberland shoes from the Lands' End catalog for \$60 paid \$60 in duty to Her Majesty's customs office.) The Japanese have refined tariff barriers so anfractuously set up as to make it impossible to find out just who is keeping the American car or the American computer from ever getting sold. No law is there to block it, it's just those forms . . . and delays . . . and unwillingness of the merchant to stock the stuff . . . and you give up.

The American protester then rises to a point of philosophical order. Okay, he begins. We Americans ought to compete. And I repudiate, for the record, any request that the government protect my industry. But do you call it competition when the government I am trading with—let's say, South Korea—is subsidizing its shoe factories? So that a pair of shoes that sells here for \$30 is actually being subsidized to the tune of \$15. The kind of "export subsidies" President Reagan criticized in his speech in Brazil the other day. Why shouldn't we get a \$15 protective tariff so that our shoe manufacturers would be competing against their shoe manufacturers, at the real economic cost?

The protester has to be answered as follows: 1) It is virtually impossible to calculate the true economic cost of a product being imported. The most skillful accountant in the world can't arrive at the exact figure, which needs to take into account domestic taxation, foreign taxation, monopoly or oligopoly leverage, etc. 2) If the U.S. government has grounds for concluding that a foreign country is engaged in an act of economic aggression—i.e., attempting to bankrupt an American business so as subsequently to step in amid the ruins in order to gouge the American consumer—then you call not for fine-tuned tariffs, but for an embargo. The proper role of government is political, not economic. 3) Otherwise, you let things go, remembering that cheap goods in America are of very direct benefit to those who consume those cheap goods, and that the dollars being paid for those cheap goods are of no use whatever to the foreign country—except to buy things from America, giving Americans jobs.

So here we are: the party of Hawley-Smoot, the GOP of protectionism, campaigning against tariffs. While the party of free trade, the Democratic Party, is attracted to reactionary policies. Well, well.●

THE AFTERMATH OF PROPOSITION 15

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. HUNTER. Mr. Speaker, how often have we heard the false claims of those who seek more Government restrictions on firearms ownership that the majority of the public is on their side, that the will of the people, as shown in various national public opinion polls, demands stronger gun controls?

I think we can now lay these claims to rest with the outcome of this year's general election. The results show clearly that voters not only reject gun control, but are taking steps to insure the protection of their right to gun ownership.

In New Hampshire and in Nevada, citizens voted overwhelmingly to add to their respective State constitutions amendments protecting the right of the individual citizen to keep and bear arms. These measures gained more than 70 percent of the vote in each State.

And in California, with one of the highest voter turnouts in history, a far-reaching gun control proposal, billed by its proponents as a handgun registration measure, was decidedly rejected by a 63- to 37-percent margin. That California vote is especially pertinent for my colleagues who will undoubtedly face legislative proposals for more gun control in the coming session of Congress.

The following commentary from the National Rifle Association's legislative newspaper, Reports from Washington, accurately summarizes what the California vote means. I ask that it be inserted in the RECORD for the benefit of my colleagues so that its message will, indeed, not be lost on those of us in Washington.

THE AFTERMATH OF PROPOSITION 15

Before the elections, when they still boasted a 2-1 margin in the polls, Proposition 15 supporters described the anti-gun measure in all manner of glory.

"If we're successful here," proponent John Phillips told the Tribune Company News Syndicate, "it will do more than break the myth of the invincibility of the gun lobby. What this is designed to do is tell (the public) they can vote their consciences."

With Prop. 15 "you have 10 percent of the American electorate voting on gun control," said Charles Orasin of Handgun Control, Inc. "Their message will not be lost on the politicians in Washington."

San Jose Police Chief Joseph McNamara, one of the few California lawmen to support Prop. 15, put it more bluntly: "We don't have to depend on scared politicians this time," he told the *Washington Post*. "It's the vote of the public."

They were right, of course, and the press lapped it up. Editorial after editorial came

out in favor of Prop. 15, as the media felt sure it was backing a winner.

That changed Nov. 2. Prop. 15 went down by nearly a 2-1 margin, and with it, the balloon of the gun control groups.

What did the press say afterwards? California voters were "conned or panicked out of (their) own best democratic impulse" by a well-organized media blitz, the *Atlanta Constitution* said. The *Los Angeles Times* argued that "the will of the people has been thwarted by a vocal, well-financed minority." And the *Washington Post*, in its paltry explanation for Prop. 15's defeat, could credit only a "stubborn unwillingness among most of us to give up an old familiar option."

All the explanations and rationalizations have ignored the obvious: people, not pollsters, pull the ballot-box levers. When the curtain closes behind them, voters are completely free to wipe out public education campaigns, multi-media blitzes or the morning editorial if they so desire.

After his presidential bid failed some years ago, U.S. Sen. Barry Goldwater was asked by newsmen to explain his defeat. "The other fellow got more votes than I did," he quipped.

That is exactly what happened in California Nov. 2. In this country's truest exercise of the freedom of choice, voters overwhelmingly rejected gun control. They said the same thing in Massachusetts in 1976 and they will say the same thing in the future. That is the simple beauty of what happens when men and women are indeed allowed to "vote their consciences."●

GILMAN SEEKS REPEAL OF WITHHOLDING OF INTEREST ON SAVINGS ACCOUNTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. GILMAN. Mr. Speaker, today I am introducing one measure which would begin to relieve some of the inequities created by passage of the Tax Equity and Fiscal Responsibility Act of 1982. I am, of course, referring to that provision of the law which would impose a 10-percent withholding requirement on interest and dividend income, effective July 1, 1983, and my bill would repeal that inequitable provision.

When the House of Representatives voted on the conference report of this tax bill, I spoke out against it for several reasons, not the least of which was the withholding requirement of which I now speak. My feelings remain the same today, and it is because of mounting dissatisfaction with this section of the law in my district that I feel the need to enact legislation which would repeal this provision.

When one considers the pros and cons behind the enactment of a requirement such as this, it becomes apparent that as a revenue enhancing device, expectations are for a tax collection of \$10.6 billion over the next 3 years. However, that aspect is the only

favorable portion of the legislation. There are so many more negative aspects that outweigh the need to create revenue and those arguments far outweigh that one "pro" argument. The most glaring argument against the withholding of interest and dividends is that it is quite simply a tax on savings and investments, which burdens the honest taxpayer at a time when we have committed ourselves to solving the economic ills of this Nation. This in turn leads to a lessening of the disposable income available to the consumer, which consequently leads to a disincentive to reinvest such interest income. Not only does this section discourage savings, but it assumes that the average taxpayer shirks responsibility in reporting such interest income.

I know the people of my district to be honest and devoted Americans, and I feel that enactment and administration of this section of the tax bill suggests otherwise. It is an affront to the dignity of the people of this country to suggest that deliberate unreporting of earned income earned from savings and dividends to the Internal Revenue Service; it is an injustice to penalize the American people on this matter. Furthermore, administering this requirement will ultimately fall to this Nation's financial institutions, who estimate \$1 billion in startup cost while at the same time forseeing \$1 billion in carrying out the administration of this tax each and every year. We can only assume that this projection will change drastically in a few years, and that amount will start to creep well above the \$1 billion mark. And as we well know that these administrative costs will be passed along to the consumer—the very individual who is being taxed. Accordingly, this provision is in actuality a double tax—the initial tax, and the subsequent higher charges for services rendered by financial institutions. Some even foresee the lowering of interest rates on savings accounts, as these institutions find themselves unable to fully absorb the costs brought about by enactment of the tax bill during the summer. This tax is wrong and inequitable. I urge my colleagues to support the adoption of my bill and I ask that a full text of my bill be printed at this point in the RECORD for the edification of my colleagues.

H.R. 7417

A bill to repeal the withholding on interest and dividends enacted by the Tax Equity and Fiscal Responsibility Act of 1982.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to withholding on interest and dividends), and the amendments made by such subpart, are hereby repealed; and the Internal Revenue Code of 1954 shall be applied as if such sub-

part (and amendments) had never been enacted.●

THE REGULATORY PROCEDURE ACT OF 1982

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. LEVITAS. Mr. Speaker, over the past few months the House leadership along with representatives of the business community, representatives of so-called public interest groups and other parties have negotiated a compromise version of H.R. 746 which resolves the major concerns over the original regulatory reform bill. A few critics, however, have tried to raise a confusing smokescreen of questions about the bipartisan compromise bill. In order to answer these questions and set the record straight, the Business Coalition on Regulatory Reform has developed an analysis of the compromise version of H.R. 746 which responds to the objections which have been raised.

I hope that each of you will take the time to read through this analysis and become more familiar with this important legislation. It is time to relieve the American people of burdensome regulations. It is time to make our regulatory process more fair, open, and accountable. The compromise version of H.R. 746 will do just that.

At this point, I would like to place in the RECORD, the Business Coalition on Regulatory Reform's response to the major objections raised to H.R. 746. I believe that after reading this analysis, you will see that it is difficult to object to this legislation which will be of great benefit to the American people.

RESPONSE TO THE PRINCIPAL OBJECTIONS THAT HAVE BEEN RAISED TO THE COMPROMISE VERSION OF H.R. 746

The compromise version of H.R. 746 is the culmination of years of analysis, negotiation and compromise. As discussed in Part II of this document, the bill represents a carefully drafted and well-balanced legislative attempt to make a number of sorely needed improvements in the procedures and practices that agencies follow in formulating and adopting regulations in informal rule-making proceedings. If enacted into law, it will result in rules that are better crafted, better supported, better understood and better accepted than has often been the case in the past.

Nevertheless, critics of the legislation portray the bill as a threat to the regulatory process, to the independence and jurisdiction of federal agencies, and to the underlying enabling statutes administered by those agencies.

We believe these criticisms are demonstrably incorrect and cannot survive an objective examination of the bill's provisions. The principal arguments that have been raised against the compromise bill and the answers to those arguments appear in the sections that follow.

1. THE ALLEGATION THAT THE BILL WOULD TIE AGENCIES IN KNOTS AND CREATE AN AVALANCHE OF LITIGATION

The claim that the analytical and procedural reforms embodied in the compromise version of H.R. 746 would effectively chock off agency rulemaking activities is an argument commonly advanced whenever proposals are made to reform the regulatory process.

The compromise version of H.R. 746 is the product of long and careful negotiations that took place over the course of the last two Congresses. As a result of those negotiations, the bill was carefully refined, and its analytical and other procedural requirements were significantly streamlined. Indeed, many of the public interest groups that had criticized the regulatory analysis requirements of the original committee bill have acknowledged that the cost-benefit provisions have been improved significantly in the compromise version of the bill. For a variety of reasons, these requirements would not stymie agency rulemaking activities.

First, whenever one is considering the additional burdens that may be involved in performing a regulatory analysis, it is essential to bear in mind that the analytical requirements apply only to major rules—basically, those fifty to one hundred rules per year that will have an annual impact on the economy of \$100 million or more. It does not seem too much to ask that rules of such far-reaching impact be analyzed carefully by the agency and that reasonable alternative means of accomplishing the rulemaking objectives be considered. A succession of administrations, both Democratic and Republican, have agreed on this point, as reflected in executive orders imposing regulatory analysis requirements on executive branch agencies.

Second, there is no substance to the allegation that the regulatory analysis requirements for major rules will tie agencies up in endless litigation over asserted failures to comply with the new provisions. For all practical purposes, the compromise version of H.R. 746 excludes courts completely from review and enforcement of the regulatory analysis process. No judicial review is permitted of the decision whether or not to treat a rule as a major rule or of the adequacy of an agency's compliance with the regulatory analysis requirements. Consequently, these analytical requirements cannot give rise to the spate of litigation that has been predicted by some critics of the bill.

Third, while the bill would establish a requirement for oral presentations, accompanied in some instances by limited cross-examination, this additional opportunity for public participation (which applies only to major rules) can hardly be expected to tie an agency in knots. The fact is that many agencies commonly and successfully utilize informal public hearings (often with cross-examination) when considering major rules today. And the compromise version H.R. 746 provides agencies with broad discretion to regulate the course of such informal public hearings "in order to ensure orderly and expeditious proceedings." The bill specifically authorizes agencies (1) to limit the time allowed for oral presentations and cross-examination, (2) to establish procedures designed to limit cross-examination to significant issues of fact which the agency determines could not adequately be resolved by other means, and (3) to designate "repre-

sentatives to make oral presentations or engage in cross-examination on behalf of persons with a common interest in the rulemaking." (Section 622(e).) Moreover, the compromise version of H.R. 746 carefully limits the scope of judicial review of an agency's failure to allow cross-examination, using as its model the comparable provision of the Clean Air Act, which has been praised by environmental groups in the past.

One last observation: Some critics allege that H.R. 746 would require an agency to maneuver through thirty-two procedural steps to adopt a rule instead of what they assert is the current six. Neither of these numbers (thirty-two of six) has any meaning or validity as used by the critics. To be sure, H.R. 746 would require an agency to provide more complete information for its major rules than currently is required. But the fact is that, under the compromise version of H.R. 746, an agency would proceed through the same basic steps that it now follows in adopting a rule—i.e., publishing a proposed rule (along with a supporting explanation and information), receiving public comment on the proposal, and publishing a final rule (along with an explanation of its basis and purpose).

In short, the allegation that the bill would tie an agency in knots, produce endless litigation, and effectively choke off agency rulemaking is unfounded. Indeed, some of the very groups that have raised this claim in a general way have, at the same time, taken an opposite tack by suggesting that the bill be revised to impose additional requirements for including material in the rulemaking file and for more detailed explanations by the agency of its evaluation of factual materials.

2. THE ALLEGATION THAT THE BILL PLACES TOO MUCH RELIANCE ON COST-BENEFIT ANALYSIS

The assertion that the bill places undue reliance on cost-benefit analysis for major rules cannot be maintained. In fact, the bill does not require that all benefits and costs of a rule be quantified in any terms, let alone in dollars. Nor does it require agencies mechanically to weigh the costs and benefits of a rule and to reject any rule whose costs outweigh its benefits. Under the bill, an agency is required only to analyze "the extent to which the benefits of the rule justify its costs." (Section 622(c)(5).) Both "benefits" and "costs" are defined broadly to include health, safety and environmental, as well as economic and other effects. (Section 621(a)(2) and (3).) In these circumstances, the determination of whether the "benefits" of a rule (as broadly defined) "justify" its "costs" (as broadly defined) will be essentially a matter of agency judgment, and that is as it should be. Moreover, as discussed above, courts will have no authority whatsoever to second-guess the agency's judgment on this point. Finally, even where the benefits of a rule do not justify its costs, an agency would still be free to adopt the rule; it simply would explain its decision to do so. (Section 622(c)(5).)

By the same token, while an agency would be expected to analyze alternatives to the rule that attain the rulemaking objectives "in a manner consistent with applicable statutes," it would not be required to adopt such an alternative simply because it has lower costs than the rule itself. Again, the only requirement is that the agency state its reasons for selecting the rule rather than a lower cost alternative that would accomplish the same objectives. (Section 622(c)(6).)

Finally, nothing in the bill requires agencies, in performing the foregoing analyses for major rules, to quantify costs or benefits that cannot reasonably or responsibly be quantified. The fact is that H.R. 746 would not require agencies to place a value on human life or health. Any claims to the contrary are absolutely untrue.

3. THE ALLEGATION THAT THE BILL BRINGS INDEPENDENT AGENCIES UNDER THE CONTROL OF OMB AND PERMITS OMB TO DISPLACE AGENCIES IN THE EXERCISE OF RULEMAKING DISCRETION

The claim that the compromise version of H.R. 746 would bring the federal agencies, particularly the independent agencies, under the thumb of OMB is demonstrably untrue. In fact, except for its role in coordinating the preparation and publication of agency regulatory agendas in a single issue of the Federal Register, OMB is not even mentioned in the bill. Moreover, the limited new authority that the bill confers on the President—namely, the authority to designate new or existing rules as "major" rules and to modify the schedule for review of rules—expressly may not be delegated to OMB or anyone else. (Sections 621(b)(1) & 641(a)(2).)

To be sure, Section 624 of the bill does contemplate limited presidential review of agency compliance with the new analytical requirements for major rules, and a limited delegation of that authority is permitted. But this basically is authority that the President has today. And it is particularly important to preserve this authority, since the bill permits virtually no judicial review of agency compliance with the new analytical requirements. Therefore, the provisions of Section 624, which apply only to major rules, have been carefully designed to avoid making any essential change in the existing status quo regarding the President's constitutional and statutory authority vis-a-vis the federal agencies.

Thus, Section 624 contemplates that the President will establish guidelines and procedures relating to agency compliance with the new requirements for major rules. But the provision does not give the President any new authority to enforce such guidelines and procedures. To the contrary, the bill contains a variety of safeguards to protect against presidential interference with either the timing or the substance of agency rulemaking.

For example, the President is specifically precluded from utilizing authority under Section 624 "to prevent an agency from proceeding with a rulemaking or issuing a proposed or final rule" or "to require an agency to modify a proposed or final rule." Similarly, the bill explicitly states that the authority of the President under Section 624 does not "change the standards applicable to agency action under any other provision of law." Indeed, the bill contains a separate savings clause, Section 626, stating that nothing in the entire chapter dealing with major rules "(1) limits agency jurisdiction to prescribe a rule, (2) relieves an agency of statutory requirements applicable to rulemaking, or (3) displaces rulemaking authority vested by statute in an agency." In addition, even without such explicit statutory safeguards, an agency could not lawfully adopt a rule that is unsupported by the rulemaking record or that otherwise represents an abuse of its discretion—and could not unlawfully withhold or unreasonably delay rulemaking action—regardless of what the President might desire.

In fact, the compromise version of H.R. 746 actually imposes a new restriction upon

presidential involvement in rulemaking proceedings. The bill's amendment to section 553 of the APA would require agencies to place on the public record materials relating to involvement by the President or his designee (including OMB) in any informal rulemaking. In this important respect, the bill may be seen as a limitation on authority that the President currently is free to exercise with respect to agency rulemaking proceedings.

In short, the numerous safeguards contained in the compromise version of H.R. 746 carefully preserve agency independence and ensure that the rulemaking authority and discretion that Congress lodged in the agencies is not shifted to OMB.

4. THE ALLEGATION THAT THE BILL WOULD UNDERMINE STANDARDS OF SUBSTANTIVE ENABLING STATUTES

The claim that H.R. 746 would somehow undermine the standards of substantive enabling statutes can be disposed of quickly in light of the preceding discussion. As noted on page 11 above, the bill does not establish a new cost-benefit or cost-effectiveness standard that agencies must satisfy in adopting all major rules. The standards set forth in the enabling statute pursuant to which an agency is acting continue to apply with full force and effect in the rulemaking proceeding. If there were any doubt on that score, it would be resolved by Section 622(g) of the bill, which states in no uncertain terms:

"The requirements of this section do not change the standards applicable to agency action under any other provision of law or relieve an agency of procedural requirements imposed by any other provision of law."

A similar refrain is sounded in at least two other provisions of the bill. Thus, Section 626, as noted above, makes clear that nothing in the bill "relieves an agency of statutory requirements applicable to rulemaking." And Section 624 states that authority exercised by the President under that provision does not "change the standards applicable to agency action under any other provision of law."

In light of the foregoing, there is no substance to the claim that the bill undermines the standards applicable to rulemaking under substantive enabling statutes.●

TACTICS OF AN ACE IN THE CONGRESSIONAL AIR WARS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. McCLOSKEY. Mr. Speaker, as the 97th Congress comes to a close, I think posterity should be afforded the privilege of reading about the work of one of our most distinguished colleagues, the Honorable Henry Waxman of California, on a crucial issue before the House.

I attach the article of Michael Barone which appeared in today's Washington Post entitled "Tactics of an Ace in the Congressional Air Wars."

[The Washington Post, Dec. 14, 1982]
TACTICS OF AN ACE IN THE CONGRESSIONAL
AIR WARS
(By Michael Barone)

The Reagan administration came to office determined to reduce government regulation of business, and in dollar terms, one of the most expensive forms of regulation is the Clean Air Act. It came up for renewal in September 1981, and the administration, the auto industry, the coal industry, the steel industry, and the utilities all looked forward to this deadline as an opportunity for what they like to call regulatory relief. In January 1981, it seemed likely they would prevail. The potential majority was there: most Republicans plus Democrats from auto, steel and coal constituencies. But the act wasn't revised, and the old provisions remain in effect.

One reason is that the administration and its allies made some mistakes. Another is Sen. Robert Stafford, chairman of the Senate committee that handles the issue; up for reelection in environment-conscious Vermont, he had strong environmentalist backing, and skillfully got his committee to approve a bill that in many ways increased rather than decreased regulation.

But much of the credit—or blame—for the failure to change the Clean Air Act must go to Rep. Henry Waxman (D-Calif.), the 43-year-old chairman of the House Energy and Commerce Committee's subcommittee on health. Chairing a subcommittee with a clear 12-8 majority for revision, and with a full committee chairman who dearly wants relief for the auto industry, Waxman maneuvered and delayed masterfully, preventing action until he had the votes to win. He proved himself to be one of the shrewdest legislators in Congress—and one of the most powerful. The story is worth pondering.

Henry Waxman doesn't look the part. He is 5-feet-5 and bald, with a mustache that could almost be called bushy. Though he represents central Los Angeles, he is not fashionable; he once practiced law in Beverly Hills, but he grew up in Watts, over his family's store, and the closest thing to a Mercedes he has driven is the Buick he was provided as a California assemblyman. He talks in a quiet voice, and, to hear him tell it, he gets along well with everyone he deals with.

Yet he is obviously not a political innocent. At 29, he beat an elderly assemblyman; in his second term, he was made chairman of the Redistricting Committee—not a position entrusted to the naive. He was elected to Congress in 1974; only four years later he got himself elected chairman of the health subcommittee—arguably the most important subcommittee, year in and year out, in the House. And he beat a popular and more senior member, Richardson Preyer, who had the support of the leadership.

In the fight for the subcommittee chairmanship, Waxman operated as they do in Sacramento, pushing hard and unapologetically for support: he emphasized his support of national health insurance, he argued that as a North Carolinian, Preyer would have to support the tobacco industry, and he suggested Preyer might have conflict-of-interest problems because of his family pharmaceutical stock holdings. Waxman also made campaign contributions to some committee Democrats—a common practice in Sacramento and one also engaged in by House Democratic leaders, who nonetheless criticized him for it.

He added another reason: "I know more about health issues than anyone else in the

House." House committee and subcommittee chairmen have, since 1974, been elected rather than selected automatically by seniority, and so chairmen now tend to be more in line with the views of their party's members and are more likely to be qualified. In the case of the Clean Air Act, this has given the health subcommittee a chairman who opposed the revisions the administration sought and who had the legislative competence to make his views prevail. Here is how:

May 1981. The administration agreed to a five-year extension for compliance deadlines for the steel industry. This was a deal reached by the Carter administration, the steel companies and the United Steelworkers; by going along, the Reaganites kept everyone happy but lost a key ally: the steel companies and union no longer had an urgent reason to seek changes.

June 1981. Waxman got hold of and released a copy of the administration's draft proposals for revising the act. He called them "radical," and they sparked protest that threw the Environmental Protection Agency into consternation and kept it from ever submitting detailed legislation. When asked how he got the draft, Waxman just smiles; presumably it came from an EPA employee opposed to the administration's ideas.

September 1981. Waxman assembled his subcommittee to hear testimony on the Clean Air Act and public opinion from pollster Lou Harris. The message was unequivocal. "Never in my career," said Harris "have I seen such strong opinion on one side of an issue." Harris told the members it would be political suicide to change the Clean Air Act. Waxman and others believe his testimony had a deep impact, not just on the subcommittee but on congressmen generally.

December 1981. Waxman got the ranking Republican on the health subcommittee, Edward Madigan of Illinois, plus the chairman and ranking Republican on the full Energy and Commerce Committee, John Dingell (D-Mich.) and James Broyhill (R-N.C.) to sign a letter requesting additional technical information from EPA.

Getting those signatures could not have been easy. Madigan, though not necessarily a Reagan ally on the Clean Air Act, was not an ally of Waxman by any means. Dingell, one of the most aggressive chairmen in the House, represents a suburban Detroit district that includes most of the Ford Motor Company's Michigan plants; he was fighting desperately for relief for the auto industry. He lost a major Clean Air Act fight against Waxman's predecessor, Paul Rogers, in 1977, and he is one of the most aggressive members of the House. Broyhill is from a family of furniture manufacturers and has often carried the ball for business groups. Their agreeing to sign Waxman's letter is testimony to his detailed knowledge of Clean Air Act issues.

March 1982. The health subcommittee passed a revision of the Clean Air Act backed by the administration. Waxman lost votes on important provisions by identical 12-8 margins.

April 1982. The full Energy and Commerce Committee voted 25 to 12 against relaxing air standards in national parks and wilderness areas. Two days later, Chairman Dingell suspended the committee's markup sessions. The western utilities lost their key provision, and the administration's coalition was in danger of unraveling; relief for the auto industry—the No. 1 issue for Dingell—

was imperiled. Apparently unable to rally a committee majority, Dingell suspended action for three months.

August 1982. Dingell opened hearings, apparently with a majority. But Waxman beat him 21-20 on airborne hazardous pollutants, scuttling a provision of key importance to the chemical industry. With two weeks to go until Congress recessed, Dingell and Broyhill refused to negotiate with Waxman, and Waxman resorted to delaying tactics, objecting to the absence of a quorum at committee sessions and objecting on the floor of the House to committee meetings while the House was in session. Stafford's committee in the Senate passed a bill largely extending the current Clean Air Act and adding tough acid rain provisions.

"I'd clearly won a victory," Waxman says. "Now the question is whether we can look at the changed realities and see where we can compromise." "We" includes, he says, Dingell and the various industries; but he and his environmental allies have some new items they want, too: tougher prohibitions on airborne hazardous pollutants and on acid rain.

The Reagan administration's main leverage is a threat by EPA to enforce strictly some Dec. 31, 1982, deadlines that everyone agrees should be extended. But in the first two weeks of the lame-duck session, the bill has gone nowhere, and it seems unlikely to move farther in 1982. In the next Congress, the fulcrum point of compromise will surely be in a much different place than it was in January 1981. The big industries will not get what they want without major concessions to such legislators as Waxman and Stafford.

So in this important area the Reagan administration has failed to dismantle or make less expensive a regulatory system it strongly opposes. The Democrats, who were the architects of so many of these laws, are concentrating on keeping their edifices intact, and they have the skill and, ultimately, the popular support, to do so.

The Republicans are now the party of change and the Democrats the party of the status quo. Legislators like Waxman are practical men of affairs who understand instinctively the way the system works and keep it going; their opponents seem to have a tin ear for politics and make numerous mistakes. The legislative skill of men like Waxman enables them to fight the battle, ultimately, on the most favorable ground, and to maneuver fights until they have the voters behind them on a given issue. For on the big-dollar regulation issues, it is not so much the public as it is businessmen who want change.

Businessmen look at men like Waxman and see them almost as radicals; it's hard for them to understand that, in the House and in major state legislatures, at high levels of state and local government, people like Waxman decide things and get things done. There is a historical analogy here: during the 30 years after Roosevelt's New Deal, Congress and state legislatures were run mostly by men who strongly opposed the New Deal. Now, while Reaganites staff the top levels of the federal government, people who support the welfare state and the regulatory status quo wield most of the power in legislatures and administrative branches of government. So, while the Reaganites prevail on a few highly visible issues like tax cuts, they are losing most of the quieter but certainly very important fights like the one over the Clean Air Act. ●

HONG KONG AND THE FLAT TAX RATE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. DANNEMEYER, Mr. Speaker, now that support for the flat-rate tax has ripened in recent months both in the minds of the Congress and the American people, the time has come to properly question the claims of those who insist that a flat-rate tax simply will not work as its proponents intend.

History tells us that experience is the best teacher. For that reason, it is worth looking at what has happened in the territory of Hong Kong. Hong Kong is presently the only country in the world whose tax structure resembles the flat-rate variety, and its inhabitants have little reason to apologize for that fact. Since April 1, 1966, when a standard rate of 15 percent for individuals and 16.5 percent for corporations was enacted, Hong Kong has enjoyed one of the simplest, and also the lowest, forms of taxation of any nation on this Earth. Compared to the 6,000 pages of small print that comprise the United States Tax Code, Hong Kong's tax statute lists only 5 tax deductions, exemptions, or credits—a personal deduction, a deduction for dependents, a credit for charitable contributions, a deduction for business related expenses and an exemption for all those making less than \$5,000 per year. As the Deputy Commissioner of Hong Kong's income tax division puts it: "Our philosophy is not only to keep each and every taxation levy, be it direct or indirect, simple and easy for the taxpayers, but also productive and inexpensive for the Government to administer."

If anything, the tax policies of Hong Kong have surpassed those objectives. In 1948, in the period immediately following World War II, Hong Kong was in the economic doldrums. An impoverished and devastatingly depressed state, its annual per capita income stood at a mere \$180. But, since that time, minimized disincentives on savings and investment due to the low levels of taxation have led to an economic growth rate of 9 percent per year in Hong Kong, including double-digit growth in the past few years. Even in the "recession" year of 1981, investment and job creation stimulated by low rates of taxation held the unemployment rate in Hong Kong to 3.8 percent. And that is not all; due to a narrow tax base and low standard rates of taxation, rapid economic growth has been facilitated which, in turn, has yielded increased tax revenues for the Government. Currently, Hong Kong has a budget surplus, a near absence of public debt and no need to resort to the inflationary prac-

tice of deficit financing. At the same time, Hong Kong provides its citizens with a rather generous social safety net including extensive housing, education, health, transportation, social security, and other community services, not to mention the fact that the poorest 20 percent of the population has made the most of the fivefold increase in per capita income that has taken place since 1948. Is it any wonder then that officials in Hong Kong are so enthusiastic about the virtues of a simple and inexpensive way to implement tax system?

Of course, Hong Kong is not the United States and what works there might not work here. But we, in this country, have already experimented extensively with a progressive income tax system that is neither simple nor inexpensive and our experience suggests that the more complex and expensive the system gets, the poorer the economic results. Thus, it should not be surprising that a number of measures have been introduced into Congress that would reform our tax laws. Some of these aim at a greater redistribution of income than at either a reduction or a simplification of our current tax burden. These should be avoided like the plague of our present system. But others resemble, to a greater or lesser extent, the true-to-life example Hong Kong has provided us. That being the case, the least we can do is give these proposals a closer look. If those who fail to learn from the mistakes of history are destined to repeat them, then it stands to reason that those who absorb the lessons of history can benefit accordingly.●

TRAINING THE MILITARY WITH ELECTRONIC TRAINER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. HUNTER, Mr. Speaker, against the backdrop of today's record costs associated with recruiting, training, and retention of our military forces, it is encouraging to note the rapidly emerging technological developments involving electronic simulations, a presence only now beginning to be felt that can save U.S. taxpayers untold millions of dollars.

Moreover, the application of simulation systems has already replaced the need for costly and scarce actual hardware that, until now, has been required for hands-on training in the military environment.

There are 32 electronic equipment maintenance trainer devices, for instance, placed in classroom use earlier this year at the U.S. Naval Training Center.

Technicians enrolled at this school are graduated at a rate of 4,000 annually for assignment to the fleet.

Before introduction of the trainer device at this school, Lt. Comdr. Charles Arsta, its officer in charge, stated that he faced two major problems: Too many students for classroom capacities and too few shipboard radar systems on which his students could be trained.

Even with 10 of the AN/SPN-10 radar systems available, the costs for installation and maintenance totaled more than \$1 million.

This cost will be cut by more than \$700,000 in 1982 through use of the new trainer devices, which were designed and produced by Cubic Corp. in San Diego.

Further, Capt. Charles E. Heiland, commanding officer of Service Schools Command of which the electronic technicians school is a part at Great Lakes, reports that classroom capacities and training capabilities have been increased by more than a third.

Costs for training these specialists, meanwhile, can be cut by 36 percent. An additional benefit is recognized in the improved performance test scores, up to 10 points, since use of the new devices began earlier this year.

The technology involved in development of the electronic equipment maintenance trainer device draws on integrated computer simulation in establishing a self-paced learning environment. Each device consists of a student console containing a cathode ray tube (CRT) display, touch panels, videodisc player, microcomputer, dual floppy discs and internal electronics.

Students interact with the trainer device through touch panels on the face of the video (color CRT) display and an adaptive black and white display.

Up to 108 images can be recorded on each floppy disc, illustrating maintenance procedures and trouble shooting techniques. By touching the face of the display, students cause the device to respond pictorially in a manner similar to the way actual equipment would respond.

The devices currently in use are two-dimensional while a second version of the trainer device offers three-dimensional capabilities.

Cubic has developed in the course of 10 years a broad range of electronic systems and devices, one of which has gained global prominence as a method of training combat fighter pilots.

This high technology company has installed seven training ranges in the United States and three abroad, providing realistic air-to-air combat training for U.S. Air Force, Navy, and Marine pilots, as well as fighter pilots for allies.

An estimated cost savings by the Navy is identified as nearly \$100 mil-

lion through use of Cubics' tactical aircrew combat training system. And Air Force users of Cubic's air combat maneuvering instrumentation ranges have achieved corresponding savings.

Through electronic simulation of weapon firings, no actual missiles are expended, yet pilots extract maximum realism from the training exercises. And following each air-to-air training mission, they can review their strengths and weaknesses during playback.

Air combat simulation technology is largely an outgrowth of training requirements produced during the Vietnam war because of unacceptably high U.S. fighter pilot losses.

It should be noted that the two U.S. Navy pilots who destroyed two attacking Libyan aircraft over the Mediterranean Sea in August 1981, were trained on Cubic's air-to-air combat ranges.

Both the Navy pilots reported that their success was attributable to the simulated combat training they experienced before deploying to the U.S. 6th Fleet in the Mediterranean.

Numbers of other electronic simulation capabilities are on the way to military users, including a close-in weapon system maintenance trainer.

The recent past indicates a growing need for training of military personnel who may someday face a multithreat environment not unlike the limited warfare in the South Atlantic.

Through use of this new still-developing technology field in which Cubic has distinguished its pioneering leadership while helping provide more cost-efficient response to training needs, it is my belief that a threshold has been established.

I call upon my colleagues to support this technology growth and the broad fields of application that are presenting and will continue to present themselves.●

CONGRESSIONAL PAY RAISE

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. DAVIS. Mr. Chairman, the continuing resolution, as reported, would have automatically provided a 27-percent pay increase for Members of Congress. It has been determined that Members' salaries would be 27 percent greater if we had accepted the same cost-of-living adjustments other civil servants received. Today we voted on an amendment to the continuing resolution which would have reinstituted the pay cap on congressional and executive salaries, but as a 15-percent increase over the current level.

My vote against the amendment to increase the pay cap by 15 percent

should not be construed as disagreement with the amount of the pay raise it contained, but as a vote against a congressional pay increase of any amount. For that reason, I voted in favor of a subsequent amendment which would have maintained the pay cap at the current level, eliminating any pay rise.●

WATER: JACK THOMSON'S LEGACY TO KERN COUNTY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. THOMAS. Mr. Speaker, I would like to commend to my colleagues the lifelong efforts of one of my constituents, Mr. Jack G. Thomson, to bring water to the people and farms of the San Joaquin Valley.

Anyone familiar with California knows that much of our history revolves around the search for and use of water. Many of California's early water struggles have been highly publicized and dramatized, because power over those decisions rested in the hands of the few. However, I would like to tell my colleagues about one of the less dramatic, but equally important, water projects and one of its chief architects.

Jack Thomson is retiring from the Kern County Water Agency board of directors on which he has served for more than 20 years. He helped to found the agency in 1961, and his was one of the signatures on an historic water contract in 1963 which paved the way for State-supplied water to our county. It was a wise and far-seeing act to form the water agency to bring more of California's lifeblood—water—to Kern County, because water obtained under that contract and under renewals of that pact now produces nearly a billion dollars of economic impact within Kern County each year. It has made possible the literal blossoming of a semiarid desert, which in turn has provided countless new jobs.

In 1964, a year after the first water contract was signed with the State of California, Jack Thomson served as president of the board and helped to establish much of the framework which would enable the county's water needs through the years to be met in a democratic, public-minded manner. The agency continues today as a vital force in Kern County's water delivery structure, and that is largely due to the stewardship of people like Jack Thomson.

Jack is a Kern County native who has given a great deal of his time, not just to water problems, but to the betterment of the entire farming industry and to his community. He was named

an outstanding Young Farmer by the U.S. Junior Chamber of Commerce in 1954; he served as a trustee of the Vineland school district from 1958-68; he has been a 4-H Club leader; a charter member of the Water Association of Kern County; a longstanding member of the Kern County Water Problems Committee; president of the Kern County Farm Bureau and delegate to the California Farm Bureau Federation.

All of these achievements are a testament to Jack's public service, and they also testify to people's trust in Jack's commonsense, his balance, perspective, and his fairness in solving agricultural problems. I have always found Jack to be a valuable sounding board in my discussions with local leaders on farm problems, and I am sure many other people will also greatly miss his leadership.

As he retires, Jack Thomson leaves a valuable legacy to Kern County, for he recognized that water is our very future, and he has acted to strengthen and preserve that precious lifeline.●

LORRAINE GILES RECEIVES SAFETY AWARD

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. DAUB. Mr. Speaker, I take this opportunity to pay tribute to an outstanding educator in my district, Lorraine Giles, on her receipt of the Distinguished Service to Safety Award for 1982 from the National Safety Council.

Ms. Giles, whose career has spanned more than 30 years, has been a member of the council's board of directors for the past 8 years and has held office in the National Safety Council since 1968.

In addition to her work as principal of Gilder Elementary School, Ms. Giles works with the Omaha Police Division to maintain the 59-year record of the Omaha Safety Patrol for no fatalities at a patrol crossing. In an effort to share her knowledge, Ms. Giles has also worked on and contributed to safety manuals that have been used throughout Nebraska, the Nation, and internationally in recent years.

The Distinguished Service to Safety Award is a prestigious recognition of exceptional public service, and I ask my colleagues to join in saluting Lorraine Giles for her important contribution to the safety of our Nation's children.●

THE RETIREMENT OF WILLIAM H. WINKELMAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the retirement of Sgt. William H. Winkelman.

Bill was born on July 30, 1926, in Glendale, Oreg. In 1943, his family moved to the Klamath Falls, and upon graduation from high school he enlisted in the U.S. Navy.

From 1943 until his discharge in June of 1946, Bill was stationed at Faragut, Idaho, for boot camp and Norman, Okla., for aviation and aerial gunner radioman's school. From there, the Navy assigned him to NAS Cecil Field in Jacksonville, Fla., and NAS in North Island, San Diego.

Shortly after his discharge from the Navy, Bill began working as a locomotive fireman for the Southern Pacific Railroad in Northern California. On Christmas day, he married Shirley Stead, whom he had met while stationed at North Island.

On September 11, 1950, Bill was sworn in as a police officer for the San Diego Police Department. He worked in the patrol and traffic divisions and the business office until July 18, 1955, then he entered the California Highway Patrol Academy.

When he completed the academy, he was assigned to the Compton office in Los Angeles County and in 1956 transferred to San Diego, where he worked traffic patrol, motors, the commercial detail, and the Pine Valley Resident Post. In 1965, Bill transferred to Santa Barbara, where he spent the most enjoyable and interesting period of his career. Bill worked all of the special duty assignments but specialized in the public affairs field. In 1970, one of the most challenging events occurred, the Santa Barbara riots.

Bill was promoted in 1974 and he was assigned to the Pomona office in Los Angeles County.

In March of 1980, Bill found he was suffering from arterial blockages. He was operated on for a quadruple arterial bypass graft. He was taken off the active list of highway patrolmen and placed on the disabled list. On the first of May 1983, Bill will retire after 32 years, 9 months of combined police and highway patrol service, the last 27 years and 10 months with the California Highway Patrol.

His family includes his wife Shirley; children Richard, Steven, and Beth; and his grandchildren Danny, Erik, Steffanie, and Sonya.

Bill Winkelman's retirement marks the conclusion of an outstanding career as a lawman. However, I am sure it will not stop his devoted service

to his friends and community. I ask my colleagues to join me in congratulating him on his accomplishments to date and on best wishes in the future.●

TRIBUTE TO THE HOLT CHILDREN'S SERVICES, INC.

HON. GREGORY W. CARMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. CARMAN. Mr. Speaker, I would like to bring to your attention a very special organization, the Holt Children's Services, Inc. This group is a nonprofit social welfare organization approved by the Ministry of Social Affairs of the Republic of Korea. The organization was started in 1955 by the late Mr. Harry Holt. He started the group with the adoption of eight children who became orphans during the Korean war.

The cardinal philosophy of the organization is based upon Christianity. The Holt Children's Services is an outstanding example of child welfare work. Its main programs consist of counseling and prevention of unmarried parents, adoption at home and abroad, medical welfare service, rehabilitation for mentally retarded and physically handicapped children, scholarships for underprivileged children, and the management of the Sae-maul Day Care Center and Baby Home.

I have had a special association with the Holt Children's Services. As some of you may know, my family has been blessed by my daughter whom we adopted through the Holt Services. After recently visiting the organization in Seoul, Korea and meeting with the President, Han Kyu Kim, I commend the group for the special joy they have brought to my life and to the lives of many children and families throughout the world.●

WRESTLERS HONORED

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. NELLIGAN. Mr. Speaker, it is a rare occasion when any of the 435 Members of Congress can boast that a world champion hails from his congressional district. Well, I am proud that the 11th Congressional District of Pennsylvania, which I am privileged to represent, can boast that it had not one—but two—world champions in 1982. They are Carey Falcone and Jim Martin, world schoolboy wrestling champions. The wrestling tournament, which took place during the summer

of 1982, was conducted at California State University at Fullerton.

Carey Falcone, representing the Back Mountain Wrestling Club, won the world schoolboy championship in the 66-pound class. Carey pinned the representative from India in 52 seconds of the championship meet. Carey is a student at Dallas Junior High School, and his overall record for the 1981-82 season was 64 wins and no losses.

Jim Martin of Danville, a 16-year-old, won the 106-pound class by defeating the Italian representative to the competition. Jim, a student at Danville Area High School, won the State championship in the 98-pound class. His overall record for the 1981-82 wrestling season was 39 wins and no defeats.

It should be noted that Carey Falcone and Jim Martin were two of the three Pennsylvania wrestlers who captured first place honors from approximately 1,250 wrestlers from throughout the United States.

Both of these fine young athletes automatically are entitled to compete for the U.S. Olympic wrestling team.

I join other residents of the 11th District in congratulating them on their tremendous achievements and wish them continued success in the future.●

IN MEMORY OF DR. ROBERT BRACKEN WHITE

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. DAVIS. Mr. Speaker, the American people, particularly residents of northern Michigan, recently suffered the loss of a truly inspirational man, Dr. Robert Bracken White.

At the time of his death on November 5, 1982, Dr. White was a physician and director of Northern Michigan University's Health Center in Marquette, Mich. He served the students at NMU for the past 13 years.

To all of those who knew him, Dr. White was a compassionate and religious man who devoted his life to the medical profession. Many said he lived his life as an example to others of his strong Christian convictions. While he shared his unwavering faith with the people around him—students, coworkers, and friends—he always listened to and respected the attitudes of others who did not share his beliefs. His friendship was valued by all because he had a genuine concern and love for people.

Dr. White expressed strong convictions regarding Christianity, marriage, and personal attitudes in a writing which he titled, "Here I Stand." He said that this writing, which he com-

posed shortly before his death, contained the most important ideals for which to strive. Dr. White attained these ideals and it was his hope that they be used by others for personal growth and an understanding of the true value of Christian life.

Dr. White was a respected and loved man who will be greatly missed. It is important that we do not remorse in his death, but be thankful that this man of courage and high principles lived and worked among us, and set a fine example for us to live by. ●

THE CASE FOR CLINCH RIVER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. DANNEMEYER. Mr. Speaker, there have been a lot of arguments in recent weeks, both pro and con, over the Clinch River breeder reactor. With estimated budget deficits of \$150 billion or more, that is hardly surprising given the fact that Clinch River is a \$2.3 billion project. However, what is often overlooked is that it would cost us almost as much—roughly \$1.7 billion—to liquidate the project at this point and by so doing we would run the risk of severe energy shortages down the road.

Mr. Speaker, as one who has been greatly concerned with the adverse consequences of Federal spending, even an extra \$600 million in spending is no small matter. Therefore, I can certainly understand the concern of conservatives as well as many liberals over this measure. But, to waste \$1.7 billion and to compromise the objective of energy independence in the years ahead is an unpleasant prospect indeed. Also, the arguments of those who say that the project is technologically obsolete overlook two important factors: First, that design changes can and are being made as work progresses and second, at some point you have to build in order to reap the benefits of years of theoretical research. Only by building a first generation facility can an improved second-generation facility eventually become a reality.

Some who question the wisdom of Clinch River attempt to draw an analogy between it and the SST that we never built and have not significantly missed. However, I suspect a better analogy would be with the B-1 bomber. With the B-52 as obsolete as our ability to meet domestic energy demands is inadequate, it is essential we go ahead with the B-1 even if Stealth bomber technology is on the drawing boards. Likewise, I suspect we need to proceed with the Clinch River breeder reactor so that we can have a safe supply of energy if we need it rather than need it and find out that

we either cannot get it or must fight for it. Nothing could be more expensive than that last alternative.

Mr. Speaker, there are a number of additional arguments that can be made in favor of the Clinch River breeder reactor project. For the benefit of those with whom I am generally in agreement but who might understandably have some doubts about the propriety of this project, I am inserting an item, prepared by the American Energy Education Foundation, Inc., in the RECORD at this point. The message, which appeared in a recent issue of the Washington Times, is entitled "A Message to Conservatives About Clinch River" and makes worthwhile reading.

A MESSAGE TO CONSERVATIVES ABOUT CLINCH RIVER

At a time when the Reagan Administration sorely needs all the economic help it can get, some of the President's oldest and most philosophically committed conservative friends are making a bad mistake in their fight against the Clinch River Breeder Reactor, a mistake we might all have to live with.

In recent months an unusual coalition has come into being which seeks to halt the development of the United States' breeder reactor program. Publicly, this coalition states that its only target is the Clinch River Breeder Reactor, a Federal research and development project now beginning construction; however, many of the liberal members of this coalition desire to halt Clinch River as part of a broader effort to curb not only U.S. breeder technology but nuclear power and energy growth in general.

Perhaps unwittingly, respected conservative organizations have allied themselves with such groups as Ralph Nader's Congress Watch, William Winpisinger's Association of Machinists and no-growth advocates like the Friends of the Earth and the Natural Resources Defense Council. Conservatives in Congress have found themselves helping ultra-liberals attack a project which is essential to a secure supply of energy for America's future.

Why have some conservatives suddenly attracted such strange bedfellows and joined with the liberal critics of Clinch River? Is it because they have turned against nuclear power? Is it for reasons of fiscal responsibility?

Logic and the preponderance of the evidence dictates that the sound conservative position is to support the completion of the Clinch River Breeder Reactor. Here are some of the reasons why:

If the United States is to maintain even a modest annual growth rate of 3 percent, we will have to double our electric power capacity in 25 years. Breeder reactor technology, an essentially inexhaustible source of energy, is needed to help supply this increased capacity if we are to have economic growth without relying upon foreign energy sources.

As the International Energy Agency recently warned, a new oil crisis may hit by the mid-1980's that would deal a "devastating blow" to the U.S. and other industrial nations. Such a prospect makes any effort to kill the Clinch River Breeder and thus cripple a readily available U.S. energy option the equivalent of committing national suicide.

President Reagan is firmly committed to breeder reactor technology and the "completion of the Clinch River Breeder Reactor". He states that Clinch River is "essential to ensure our preparedness for longer-term nuclear power needs".

President Jimmy Carter, beginning weeks after his inauguration in 1977, attempted to kill the project and succeeded in stalling construction work on Clinch River for more than four years. This short-sighted move is largely responsible for the increased cost of CRBR.

The Soviet Union, France, Japan, and other nations are moving ahead of the United States in breeder technology. How can conservatives, or even liberals for that matter, force the nation to withdraw from this competition at the expense of America's continued growth?

Contrary to environmentalists' misstatements, the Clinch River Breeder Design is technologically up to date and contains features, such as its heterogeneous core, which have attracted the attention of German, British and other foreign breeder experts. Repeated assessments by the General Accounting Office, most recently supported by their July, 1982 report, have concluded that among "a wide range of knowledgeable industry, government, and private individuals, no one we talked with was able to provide us with any specific facts indicating that components or design features were obsolete."

After years of bureaucratic and regulatory delays, work has begun at the Clinch River site. Some 3,500 workers are already employed in 29 states and the District of Columbia, the plant design is 86 percent complete and about \$700 million worth of components have been delivered or are on order. If cancelled now, the cost to the taxpayers would be \$1.4 billion with nothing to show for it.

According to Senator James McClure, "the opponents of the Clinch River Breeder Reactor have come up with false and phony rigged figures and then repeat them". Among other things, the revenues from CRBR are liberally estimated at more than \$20 billion payable to the government over the 30 year life of the plant. This figure, developed by the Appropriations Committee estimates 2 percent real growth in electricity prices.

Many question why private utilities have not contributed more money to this plant. It should be pointed out that the electric utilities, companies that are closely regulated by government, are limited in their financial ability to invest in a long-term research and development project.

Professor Hans Bethe, a Nobel Prize Laureate, says that "once the breeder or a similar type of reactor is in place, the uranium in the U.S. will last for tens of thousands of years, at an affordable price. An inexhaustible energy source is as good as a renewable one".

Finally, halting the Clinch River project now, just as construction is finally beginning would be tragic. The G.A.O. put it best in its most recent report. Failure to construct Clinch River, it said, would "foreclose on the long-term future of a major energy option nuclear fission—". ●

CHANCELLOR EDWARD M.
SINGLETON

HON. JOHN L. NAPIER

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 14, 1982

● Mr. NAPIER. Mr. Speaker, I would like to take this opportunity to point with pride to a lifetime of achievement by a man who has made a significant contribution to the academic world. Chancellor Edward M. Singleton, head of the University of South Carolina's Coastal Carolina College in Conway, S.C., is retiring soon. This man, after nearly 40 years in public service, continues to place the highest priority on our educational system.

Chancellor Singleton first assumed the mantle of leadership at the college nearly 20 years ago when the campus first opened. He had already proven himself to be a capable educator while serving as superintendent of Conway city schools, therefore—this was a natural transition.

Dr. Singleton holds a Ph. D in education administration from the University of South Carolina as well as a master's degree in education. He also served on the University of South Carolina Board of Trustees for more than a decade. He is a former president of the Conway Chamber of Commerce. President Singleton served with Conway city schools as principal of Conway Junior High and as a teacher and coach. He also founded the Conway Recreation Department and created youth baseball leagues in the town.

The leadership Dr. Singleton has provided education in South Carolina will remain as a guiding light to those who follow him.●

PERSONAL EXPLANATION

HON. THOMAS J. BLILEY

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 14, 1982

● Mr. BLILEY. Mr. Speaker, I was granted an official leave of absence yesterday because I was hospitalized with a broken arm. I want to assure my colleagues that it was a fall on the ice and not a lobbyist's armtwisting that caused the break.

Unfortunately, I missed rollcall votes on several suspensions as a result of the absence. Had I been present, I would have voted on the measures as follows:

H.R. 3191, modification of North American Convention Tax Rules: "no";

House Joint Resolution 429, State Commissions on Teacher Excellence: "no";

S. 2355, telecommunications for the Disabled Act: "no";

H.R. 4281, Critical Materials Act of 1982: "no";

H.R. 7044, mail order consumer fraud protection: "no";

S. 2059, special prosecutor appointments amendments: "no";

S. 1621, authorize replacement of existing pump casings in southern Nevada water project: "no"; and

House Joint Resolution 553, authorize Indian tribes to bring actions with respect to certain legal claims: "no".●

**CONGRESSIONAL SALUTE TO
THE HONORABLE LEO A.
MAULT, OF NEW JERSEY—DIS-
TINGUISHED CITIZEN AND
OUTSTANDING COMMUNITY
LEADER AND GREAT AMERI-
CAN**

HON. ROBERT A. ROE

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 14, 1982

● Mr. ROE. Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life and way of life here in America. In this respect I am pleased to call to the attention of you and our colleagues here in the Congress the outstanding public service rendered by a distinguished citizen, community leader and good friend, the Honorable Leo Mault, whose standards of excellence throughout his lifetime have truly enriched our community, State and Nation.

Mr. Speaker, I join with the Members of the New Jersey State Legislature in deep appreciation of all of Leo Mault's good works and share great pride in the success of his achievements with his good wife Louise, their sons, Douglas, Donald and Robert, their daughters-in-law and grandchildren.

Marshal Leo A. Mault has indeed earned the highest respect and esteem of all of us for the quality of his leadership, staunch support and active participation in many civic and community improvement programs in a most illustrious career providing exemplary service to the U.S. Department of Justice, the courts of our Nation and to all of our people. He rose from a rookie to the highest office of public trust in the U.S. Marshal Service of the the Department of Justice. Leo joined the U.S. Marshal Service in 1941, served as a Deputy U.S. Marshal until 1961 when he was appointed U.S. Marshal for the great sovereign State of New Jersey until his retirement in 1969—close to three decades of service, ever seeking to achieve optimum public safety for all of our people.

Mr. Speaker, we are proud to boast that Leo Mault was born in the city of

Paterson, N.J., in my congressional district and is one of the most personable and highly competent marshals in our Nation. He also served our country with distinction in the U.S. Navy during World War II.

The quality of his expertise and sincerity of purpose in service to our Nation have been warmly captured in the resolution of tribute adopted by the New Jersey State General Assembly and with your permission, Mr. Speaker, I would like to insert at this point in our historic journal of Congress this testimonial by our State Legislators which reads, as follows:

ASSEMBLY RESOLUTION

Whereas, Leo A. Mault has had a long and distinguished career in public service and is presently the Sergeant-at-Arms of this House; and,

Whereas, Leo A. Mault was born in Paterson, Passaic County, in the year 1902 and attended local schools in that municipality, after which he served his country in the United States Navy; and,

Whereas, Leo A. Mault joined the United States Marshal's Service in the Department of Justice in 1941 and served as a Deputy United States Marshal until 1961, at which time he was appointed by President John F. Kennedy, United States Marshal for this State; and,

Whereas, He was reappointed to that post by President Lyndon B. Johnson in 1965 and served until his retirement from the United States Marshal's Service in 1969; and,

Whereas, During this period he also served under Mayor Edward J. O'Byrne as a member of the Police and Fire Commission and served as President of the Commission and as Police Commissioner under Mayor Francis X. Graves; and,

Whereas, Subsequent to his retirement from the United States Marshal's Service, he was appointed chief Sergeant-at-Arms of this House; and,

Whereas, Mr. Mault has been a life-long Democrat and has served under 8 United States Presidents; is a parishioner at Saint Brendan's Roman Catholic Church; and recently celebrated the 52nd anniversary of his marriage to the former Louise Adelman, also of Paterson; and,

Whereas, Mr. and Mrs. Mault are the proud parents of 3 sons, Douglas, of East Greenwich, Rhode Island; Donald of Churchville, Pennsylvania; and Robert, of San Francisco, California; and the proud grandparents of four grandchildren; now, therefore,

Be It Resolved by the General Assembly of the State of New Jersey.

That this House hereby honors Leo A. Mault for his years of public service to his country and to this State and especially commends him for his outstanding tenure as Chief Sergeant-at-Arms of this House; and,

Be It Further Resolved, That a duly authenticated copy of this resolution, signed by the Speaker and attested by the Clerk, be delivered to Mr. Leo A. Mault.

Mr. Speaker, it is a pleasure to seek this national recognition of Leo Mault and his contribution to the quality of life and way of life of our people. Throughout his lifetime Marshal Mault has forged ahead with dedica-

tion and devotion in seeking justice, combating crime and protecting the life of our people. We applaud his knowledge, training, hard work and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community and State. We do indeed salute a distinguished citizen, outstanding community leader and great American—the Honorable Leo A. Mault of New Jersey.●

PAY RAISE VOTE

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. MOORE. Mr. Speaker, I voted against the amendment offered by the gentleman from California (Mr. FAZIO) to House Joint Resolution 631 to allow the pay of Members of Congress to increase by 15 percent as I oppose any increase in pay. This is verified by my subsequent vote for the amendment by the gentleman from Michigan (Mr. TRAXLER) to keep the pay cap at its current level. If Congress is to impose austerity in expenditure control to successfully reduce the deficit, then it must impose austerity on its own pay as well. I have never voted for a pay raise. I voted against final passage of House Joint Resolution 631 due to the passage of the Fazio amendment and failure of the Traxler amendment.●

CONGRESSMAN WILLIAM BRODHEAD

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1982

● Mr. REGULA. Mr. Speaker, I am pleased that my colleague from Michigan, Mr. BONIOR, has taken this special order so that tribute can be paid to WILLIAM BRODHEAD.

It has been a privilege to serve this body with BILL BRODHEAD. BILL has brought this institution distinction and candor. He leaves the House and the Congress a better place because of his effective and dedicated work.

I had the pleasure of serving with BILL on the Budget Committee where he was a force for bipartisanship, a characteristic which seems increasingly illusive in budgeting.

The Congress will be both lesser and greater when BILL BRODHEAD leaves. It will be lesser because of his leaving. It will be greater because of the legacy of statesmanship he leaves.●

EXTENSIONS OF REMARKS

JAPAN SUBVERTS WHALING BAN

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. BONKER. Mr. Speaker, at the July 1982 International Whaling Commission (IWC) meeting, the United States achieved its decade-long goal of bringing an end to commercial whaling. The Commission overwhelmingly voted to ban commercial whaling beginning in the late fall of 1985. In the meantime, the whaling countries continue to flaunt IWC rules. Japan, the whalers' torchbearer, never misses an opportunity to point to its record of adherence to IWC decisions. But the facts do not support Japan's claims.

Two years ago, the IWC outlawed the use of the cold (nonexplosive) harpoon for the taking of all whales but the smaller minke. Yet, Japan's whalers blatantly ignored the ban by attempting to pass off cold harpoons as hot—explosive—harpoons: the heads of the harpoons contained no firing caps, and were, therefore, "cold." The American observer for the IWC in Japan, Mr. Gosho, reported 22 such infractions this year; the Japanese observers failed to report a single violation of the cold harpoon ban. This clear subversion of the IWC decisions must be taken into account as the United States considers whether to certify Japan, under the Pelly and Packwood-Magnuson amendments, for violating the cold harpoon ban, which has now been extended to include minke whaling.

Mr. Speaker, I wish to submit for the RECORD the IWC observer's report on Japan's infractions involving the outlawed cold harpoon. It is my hope that, in the future, Japan will comply fully with this important IWC regulation.

INTERNATIONAL OBSERVER SCHEME—SUMMARY OF REPORTS, NORTH PACIFIC LAND STATIONS REPORTS OF MR. M. GOSHO AT THE JAPANESE LAND STATIONS

Mr. Gosho made the following comments with regard to the use of cold harpoons:

"At the time of this report, the Whaling Section of the Japan Fisheries Agency (JFA) was still conducting an investigation regarding the use of the cold harpoons. The IWC Observer was informed that the Senior National Inspector (JFA), upon learning of the infractions regarding the taking of undersized and lactating whales, ordered the whaling companies to prepare written explanations of the incidents. The whaling companies were warned not to repeat the infractions.

"The amounts of the bonuses withheld as a result of the above infractions had not been computed by the whaling companies at the time of this report."

Mr. Gosho reported that 22 infractions involved the use of the cold harpoon. The infractions report submitted by the Government of Japan reported 13 infractions of this nature. Attention is drawn to the state-

December 14, 1982

ment by the Government of Japan given in IWC/34/6. The discrepancy between the numbers may be due to different interpretations of the term cold harpoon; in this regard a copy of a letter received by the Secretariat from Mr. Gosho is Appended.

In addition Mr. Gosho commented that (i) as much meat as possible was processed for use as human food for consumption within Japan, other parts were used for human consumption and for pharmaceuticals while the remainder was processed for oil, animal feed, meal or fertilizer (ii) land station managers and personnel kept a permanent record of information required by the IWC and assisted Japanese biologists in their work (iii) the company and national inspectors generously and courteously co-operated with him and provided the information he required to carry out his duties.

He also made the following recommendation:

"Thirty of the thirty-two infractions which were reported during the 1981-82 whaling season occurred during the Bryde's whaling season. Twenty-nine of these infractions involving Bryde's whales were reported by the IWC Observer. Although it is estimated that the JFA Inspectors observed 44 per cent of the Bryde's whale landings (compared with ten per cent for the IWC Observer), the JFA Inspectors did not report a single infraction involving Bryde's whaling. The IWC Observer noted that of the Bryde's whales he observed, 70 percent contained a cold harpoon and 25 percent of the females were lactating.

"The IWC Observer recommends that, in the future, the JFA Inspectors pay closer attention to the incidence of cold harpoon use in Bryde's whales and to the condition of the mammary glands of Bryde's whales."

APPENDIX 1—EXTRACT FROM LETTER DATED JANUARY 29 FROM MR. GOSHO TO DR. GAMBLELL

Thank you for your letter of January 4, 1982 (RG/EE/4266). Your confusion concerning the data which I presented in my memorandum is justified. This is partly due to the lack of any definition of the term "cold harpoon". I considered a "cold harpoon" to be any harpoon in which the head did not explode. Because I observed 21 harpoons (in 21 Bryde's whales) which still had the heads intact, I cited 21 cases where a cold harpoon was used. I personally unscrewed the heads of 13 harpoons and found that they contained no firing caps (harpoon fuses). The heads of the remaining 8 harpoons were frozen or so firmly lodged that I could not unscrew them. Thus, I can say that, in 13 of the 21 cases, the harpoon was never intended to explode; while in all 21 cases, the end result was that the harpoon head did not explode.

I examined the heads of or the shrapnel from a total of 36 harpoons. Fifteen had exploded (two exploded harpoons were in one whale) and 21 had not. The 8 cases where I could not remove the harpoon head represented 22% of the total. This figure is obviously too high to represent the normal occurrence of misfires or hangfires.

I believe that the occurrence of misfires or hangfires during the Bryde's season was negligible, and that the majority, if not all, of the 21 unexploded harpoons which I observed in the Bryde's whales were cold harpoons which were never intended to explode.●

JACK BRINKLEY

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1982

● Mrs. BOUQUARD. Mr. Speaker, it is a great honor for me to add my praise and heartfelt thanks to a colleague and dear friend, JACK BRINKLEY, for the hard work and dedication he has brought to this Congress. He has contributed to this body, as well as to his country, faithful and diligent service.

JACK BRINKLEY, as dean of the Georgia delegation, in his quite and unassuming manner, served his constituents in a style we all could emulate. Very few weekends were not spent going back to his district to see and serve those he represents. His views on the needs and opinions of his constituency were reflected so ably in his voting pattern.

JACK BRINKLEY, always had time for his colleagues as well. I have never asked for his help or his opinion that I was turned down or begrudged an adequate time for thought or evaluation.

JACK BRINKLEY is a southern gentleman, an unrelenting statesman without parallel whom we will all miss.●

**AGRICULTURAL EXPORT
SUBSIDY OFFSET ACT OF 1982**

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mrs. MARTIN of Illinois. Mr. Speaker, I am introducing legislation to use surplus Government stocks of agricultural commodities to offset the unfair trade practices of many of our trading partners. While I am committed to the principle of free trade, I believe current trends in the international marketplace necessitate a strong measure such as this.

Every year I send out a farm report to my farm constituency to inform them of Federal issues that affect farming and to solicit their opinions on farm problems and solutions. In response to my 1982 farm report, many of my farmers stressed the need to expand agricultural exports to relieve the crop surplus that is depressing farm prices. Most of these comments referred to the unfair trade practices of other nations, especially the European Economic Community (EEC), that were either barring U.S. farm exports or competing unfairly through the use of direct and indirect subsidies.

On November 10 of this year, I was part of the U.S. delegation to the GATT ministerial meetings to discuss trade barriers and practices in the international marketplace. I was espe-

cially interested in the effect trade issues have on the farm economy and industrial work force of northern Illinois. I returned from these meetings convinced that the United States must take stronger actions to protest the trade policies of other nations, especially the agricultural export subsidies used by the European Economic Community.

I find it totally unacceptable that while the United States supplies a majority of the defense needs of the Europeans at great financial cost to us, the Europeans subsidize their agricultural exports to undermine our export markets. U.S. farm exports receive no similar subsidies, nor do we wish to begin subsidizing our exports. It was hoped that through the GATT meetings compromises could be reached on the issue of EEC farm subsidies, but the meeting ended with no such agreements. The Europeans will continue to subsidize their farm exports. I believe this situation necessitates a response.

There is an old rule in the Midwest that when you cannot get someone's attention through talking, you hit them over the head with a 2 by 4. I propose we provide the administration with a 2 by 4 to use in bringing the EEC and other nations to some fruitful trade negotiations. The 2 by 4 I am proposing uses what is becoming known as the Christmas approach or the buy 10 get 1 free method of supporting agricultural exports.

The bill I am offering to the House will grant the Secretary of Agriculture the authority to make surplus Commodity Credit Corporation (CCC) agricultural commodities available to U.S. exporters, U.S. processors, and foreign customers. The Secretary can make these stocks available for the purpose of maintaining, developing, and expanding the markets for U.S. farm products where competition exists from other nation's subsidized exports. Precautions are taken to insure that the use of this authority does not result in displacement of U.S. commercial sales in the export market, thus insuring that the release of these stocks will not result in lower domestic prices for farm products. Other precautions are taken so that the commodities released are not resold to some other country and that U.S. farm products are not negatively affected.

This method of offsetting other nations' farm export subsidies has several advantages over other proposals for direct price subsidies or interest buy-downs. First, this act will not result in any financial outlays by the Federal Government. Because the CCC already owns massive amounts of grain, it will reduce the cost of CCC storage. Second, the disposal of CCC stocks into the international market will help improve domestic farm prices and the agricultural economy by lessening the

huge grain surplus. This surplus is causing the worst difficulties in farm country since the Great Depression. Again, this is accomplished without adding to the burden of the Federal budget deficit.

Time before the adjournment of the 97th Congress is limited, but I believe this legislation offers a constructive addition to the debate that is being conducted in the Congress on the subject of international trade practices. I offer this legislation for inclusion in the proposed farm stimulus package the administration is pushing in the Senate. If action on this proposal is not taken in this lameduck session, the groundwork will be completed for its reintroduction when the 98th Congress takes office next month. Most importantly, the introduction and consideration of this proposal sends a strong message to the Europeans and other exporters that the United States will use a 2 by 4 if necessary to move the international marketplace toward the goal of free trade.

I urge your support and cosponsorship of this legislation.●

**A TRIBUTE TO THE HONORABLE
HENRY REUSS**

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 1982

● Mr. BARNARD. Mr. Speaker, when I came to Congress as a new Member in 1977, HENRY REUSS was one of the people from whom I learned the ropes. He was chairman of the Banking Committee, and served as an able leader of that committee for 6 years. His stewardship on the Monetary Control Act was one of the hallmarks of his service in Congress.

As we worked together, I came to value his experience, his insight, and his concern for our Nation's cities and housing. I remember with gratitude his strong voice on the workings of our economy. Our opinions may have differed, but one always knew where he stood, and that trait is all too rare in politics.

Mr. Speaker, this is the season in which we hear a good number of tributes to our departing colleagues. But I do not know of many Congressmen who deserve the praise and respect more than does HENRY REUSS.●

**PARKVILLE AMERICAN LEGION
POST 183**

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. LONG of Maryland. Mr. Speaker, on November 11, Veterans Day, the Parkville American Legion Post 183 celebrated the 25th anniversary of the opening of its meeting hall located at 2301 Putty Hill Avenue in Parkville, Md., as well as its 37th year as an American Legion Post.

The American Legion is the largest veterans' group in the United States consisting of men and women who have served during World War I, World War II as well as the Korean and Vietnam wars. It seeks to advance the aims and interests of veterans, to continue friendships formed during military service, and to insure that disabled veterans receive the care and help they need.

Parkville American Legion Post 183 has, throughout its history, maintained high standards of community service. It is with great pride, Mr. Speaker, that I share with my colleagues the names of the men who have served as commanders of the Parkville American Legion Post 183.

Year	Past commanders	Members
1945-46	*William Brown	42
1946-47	Gus Voss	61
1947-48	Clem Schaeffer	80
1948-49	Harry Bleakley	64
1949-50	Hall Tircut	67
1950-51	*Henry P. Lennon	74
1951-52	Edgar Shannahan	93
1952-53	Frank Hendriksen	157
1953-54	George W. Crowley	183
1954-55	*Paul McDermott	257
1955-56	H. Laird Roeder	327
1956-57	John W. Goff	386
1957-58	William Wienecke	904
1958-59	Leo Rydzewski	1,070
1959-60	Ronald O. Reese	1,168
1960-61	*Henry P. Lennon	1,376
1961-62	George R. Smith	1,426
1962-63	Carl Link	1,682
1963-64	Raymond Magill	1,982
1964-65	Frank Barrett	2,302
1965-66	Charles Galley	2,354
1966-67	*Joseph Gummer	2,633
1967-68	Larry Tiberia	2,428
1968-69	Joseph O'Donnell	2,327
1969-70	Theodore Gray	2,254
1970-71	Don Lory	2,291
1971-72	Douglas Johnson	2,555
1972-73	Douglas Johnson	2,724
1973-74	Charles Schnitzlein	2,816
1974-75	Thomas Keyes	2,869
1975-76	George Thomas	2,894
1976-77	George Thomas	2,932
1977-78	George Fiedler	3,039
1978-79	John Burgan	3,183
1979-80	Joseph Polizzi	3,307
1980-81	John Hammond	3,517
1981-82	Bernie Ulrich (2/1/82)	3,517
1982-83	Richard Prevail	3,524

*Deceased.

I know that my colleagues join me in praising these men and the thousands of men and women who are and have been members of this excellent organization.●

EXTENSIONS OF REMARKS

EXECUTIVES HONORED

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. RUSSO. Mr. Speaker, Concordia Federal Savings & Loan in Evergreen Park, Ill., is paying tribute this month to three of its distinguished retiring executives, men who have worked with great talent and dedication for the organization for decades. I want to take a moment to commend these men for a job well done.

Mr. John J. Gill, senior vice president with 36 years of service, Senior Vice President Frank R. Palmer with 31 years, and Mr. John William Gilluly, chairman of the board, who started in December of 1945 as an assistant bookkeeper, are all going to be greatly missed by the 93-year-old association. They have seen Concordia grow to its present nine-office south Chicagoland network of financial service centers. All of them have worn many hats and have the kind of expertise that comes from applying yourself to whatever your assignment and learning and growing. Their work record is impressive and one can only guess at the number of people whose lives they have helped with their financial skills.

These are also the kind of public-spirited men who involve themselves in community service, church, and organizational improvements, so while their full-time talents will be missed, I know they will continue to make considerable contributions to Concordia and to the community at large. Today I ask my colleagues to join with me in wishing these fine gentlemen all the best and continued success in all their endeavors.●

CLINCH RIVER

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. HOLLENBECK. Mr. Speaker, I submit the following advertisement from today's Washington Post concerning the Clinch River breeder reactor to the CONGRESSIONAL RECORD for the benefit of my colleagues.

[From the Washington Post, Tuesday, Dec. 14, 1982]

**WE DON'T USUALLY AGREE . . . BUT ON
CLINCH RIVER WE DO**

18 labor unions, the NAACP, the U.S. Chamber of Commerce, the General Federation of Women's Clubs, the National Conference of Black Mayors, the National Association of Manufacturers . . .

Along with more than a dozen other business, labor, minority, scientific and professional organizations, we have formed the "Committee on Jobs, Environment and Technology." We have done so because we all agree on one vital issue:

The Clinch River Breeder Reactor must be included in any responsible planning to supply future generations with the affordable energy they will need.

In real terms, America is still dependent on foreign sources of energy. A sudden increase in the price of oil or a cutback in OPEC production could again wreck havoc with our economy. Therefore, we have a responsibility to pursue policies that will help free America from the grip of foreign energy sources and enable us to regain control over our own energy and economic destiny.

Without available and affordable energy supplies, there can be no sustained economic growth, no abundant employment opportunities, no world leadership status.

While CJET will ultimately concern itself with a range of issues, our first priority is completion of the Clinch River Breeder Project. The result of a 20 year alliance between the federal government and private industry, this project represents the spirit of innovative research and development that has characterized U.S. history at its best.

CONSIDER THESE FACTS

Even using conservative growth estimates of 1 percent or 2 percent per year, America will still have to double its electrical energy capacity by early in the next century.

Breeder reactors produce more fuel than they consume and represent an energy potential that exceeds all U.S. coal reserves or three times OPEC oil reserves. They will use already mined uranium valued at \$17 trillion, which has no other use to mankind.

Completion of Clinch River will cost the government \$2 billion over the \$1.3 billion already invested. Thus the total cost, including the unprecedented utility investment of \$340 million, will be \$3.6 billion . . . a figure confirmed by the General Accounting Office.

Some opponents claim that the final cost will be \$8 billion without explaining that that figure includes "imputed interest" . . . something never included in any previous government R&D project cost estimates.

Termination will cost the government at least \$300 million, plus the \$1.3 billion already spent. Completing the plant will enable the government to recoup its investment through the sale of the plant's electricity.

75 percent of the equipment is either now on site or on order at a fixed price. The design of the plant is almost 90 percent complete and site preparation has begun.

Japan, Germany, Great Britain, France and the Soviet Union are pushing ahead with breeder programs because they know that those who lead the world in energy development will lead the world economically and politically.

Clinch River is not just another government project. It is a vital and prudent technological demonstration project that will help assure future generations of adequate energy supplies, a secure economy and jobs.

America has always been a world leader in developing advanced technologies to benefit current and future generations.

Now is no time to turn back. The future depends on us.

Building & Construction Trades Department, AFL-CIO; National Association for the Advancement of Colored People; American Association of Engineering Societies; American Nuclear Energy Council; American Nuclear Society; American Public Power Association; Americans for Energy Inde-

pendence; Atomic Industrial Forum, Inc.; Edison Electric Institute; General Federation of Women's Clubs; International Association of Bridge, Structural and Ornamental Iron Workers; International Association of Heat & Frost Insulators and Asbestos Workers.

International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers; International Brotherhood of Electrical Workers; International Brotherhood of Painters & Allied Trades; International Union of Bricklayers & Allied Craftsmen; International Union of Elevator Constructors; International Union of Operating Engineers; Laborers' International Union of North America; National Association of Manufacturers; National Conference of Black Mayors; National Rural Electric Cooperative Association; National Society of Professional Engineers; New England Council.

Operative Plasterers' & Cement Masons' International Association of the United States & Canada; Scientists & Engineers for Secure Energy; Sheet Metal Workers' International Association; Tile, Marble, Terrazzo, Finishers & Shopmen International Union; U.S. Chamber of Commerce; United Association of Journeymen & Apprentices of the Plumbing & Pipefitting Industry of the United States & Canada; United Brotherhood of Carpenters & Joiners of America; United Union of Roofers, Waterproofers & Allied Workers; Utility Workers Union of America; and Youth for Energy Independence.

The Committee on Jobs, Environment and Technology; Robert Georgine, Chairman, President, Building and Construction Trades Department, AFL-CIO.

Given the support which the Clinch River project has been able to gather and its significance in terms of America's energy independent future, I intend to vote for Clinch River when it comes before the House later today.●

TRIBUTE TO HON. M. CALDWELL BUTLER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 1982

● Mr. RODINO. Mr. Speaker, M. CALDWELL BUTLER, a most valuable member of the Judiciary Committee, has chosen to retire from the Congress after serving 10 years in this body.

As we all well remember, CALDWELL had precious little time to ease into his duties. Taking office in 1973, he soon had thrust upon him, as a member of the committee, what he has called the joyless task of participating in the impeachment hearings. It was at these hearings that the diligence, integrity,

and courage for which he has become so well known were amply exhibited. These qualities have continued to earn him respect on both sides of the aisle.

Another characteristic that his colleagues have come to appreciate immensely is his quick and subtle wit. I can recall many times in the course of committee hearings and deliberations that his sharp sense of humor was most instrumental in defusing tense situations.

One Virginia newspaper columnist succinctly summed up the essence of CALDWELL BUTLER: " * * * affably, funny, and smart."

I specifically want to note his important role, as a member of the Subcommittee on Monopolies and Commercial Law, in drafting revisions of the Federal bankruptcy laws. In this task, as in so many others on which we worked together, I have come to deepen my respect for his industriousness, his knowledge of the issues and his forthrightness, even though we, of course, were not always on the same side.

The retirement of CALDWELL L. BUTLER will take from this body a talented lawmaker and a diligent representative of his constituency. His experience here will serve him well as he returns to his Roanoke home to engage in the private practice of law.●

